

STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

-vs-

MUHAMMAD ALTANTAWI,

Defendant-Appellant.

Supreme Court
No. 160436

Court of Appeals
No. 346775

Circuit Court
No. 2017-265355-FJ

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PLAINTIFF-APPELLEE'S APPENDIX

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People v Muhammad Altantawi
Supreme Court No. 160436
Court of Appeals No. 346775
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PEOPLE'S APPENDIX A

**Evidentiary Hearing, Vol. I
(Complete Transcript), 9/21/2018**

STATE OF MICHIGAN

6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN

v

File No.:

MUHAMMAD AL-TANTAWI,

Defendant.

OAKLAND
COUNTY

17-265355-FJ



JUDGE MARTHA D. ANDERSON
PEOPLE v ALTANTAWI, MUH

EVIDENTIARY HEARING

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Friday, September 21, 2018

APPEARANCES:

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1 Pontiac, Michigan

2 Friday, September 21, 2018 - 8:47:26 a.m.

3 THE CLERK: Your Honor, calling People versus
4 Al-Tantawi, case number 2017-265355-FJ.

5 MR. SKRZYNSKI: Good morning, your Honor, my
6 name is John Skrzynski, I'm here for the prosecutor.

7 MR. KEAST: Thank you, Marc Keast on behalf
8 of the People.

9 MR. SCHIANO: Judge, good morning, Michael
10 Schiano on behalf of the defendant.

11 MR. HART: Good morning, your Honor, Marc
12 Hart appearing on behalf of Mr. Al-Tantawi.

13 THE COURT: Good morning, counselors. All
14 right, we're here for evidentiary hearing on issues of
15 suppression of both statements that the defendant made and
16 consent to search.

17 MR. SKRZYNSKI: Yes, your Honor.

18 MR. SCHIANO: Correct.

19 THE COURT: Okay.

20 MR. SKRZYNSKI: Can I just make a little
21 statement here about --

22 THE COURT: Certainly.

23 MR. SKRZYNSKI: -- give you sort of an
24 overview? I'm going to present four police officers in this
25 case and the reason I'm doing this is because I think that

1 the -- and it was unintentional, I'm sure, but he factual
2 situation here kinda gets muddled in the paper, in both the
3 motion and in my response to the motion, so what we're gonna
4 do is, we're gonna present these witnesses in order to get
5 the sequence of events straight for the court so that the
6 court can better understand how the things happened.

7 So, we might go into a little more detail
8 about, you know, everything we normally would for an
9 evidentiary hearing, we're not gonna just focus on the --

10 THE COURT: I understand.

11 MR. SKRZYNSKI: All right. So just FYI.

12 Thank you.

13 THE COURT: That's good. That's fine.
14 That's probably a good way to lay it out so that the court
15 has an idea of what transpired.

16 MR. SCHIANO: That's fine, Judge. We'd ask
17 for an order of sequestration at this time also, Judge. I
18 know there are a number of officers in the courtroom.

19 THE COURT: Yes, and I will grant that, so.

20 MR. SKRZYNSKI: Can I -- I've got two
21 officers in charge, they're both testifying. That's
22 Detective --

23 THE COURT: Well, the officers in charge can
24 remain.

25 MR. SKRZYNSKI: -- and the two uniformed

1 officers, the first uniformed officer is going to be the
2 first witness, so.

3 MR. HART: And Judge, I would request if the
4 Officers In Charge are going to be allowed to stay -- I'm
5 sorry, the first officer you're going to call is one of the
6 uniformed officers?

7 MR. SKRZYNSKI: Yes.

8 MR. HART: I would ask that one of the -- at
9 least one of the officer -- OICs testify first so that the
10 uniform officer can't hear that officer's testimony.

11 MR. SKRZYNSKI: No, Judge, that's exactly the
12 problem, is that the fact pattern, the sequence of events is
13 jumbled, and no, that -- I object to that.

14 THE COURT: No. No.

15 MR. HART: Okay.

16 THE COURT: I'm not going to have you direct
17 how he's going to put his case in -- his hearing in. But I
18 do want to indicate this, I'm not going to have two
19 attorneys dealing with the issue at the same time, okay?
20 So, I wouldn't expect Mr. Keast to be dealing on the same
21 issue as Mr. Skrzynski and I don't expect you, Mr. Hart, to
22 be dealing on the same issue as Mr. Schiano, all right?

23 MR. HART: Fair enough. Thanks.

24 THE COURT: So, that's the way it's gonna
25 work. Thank you.

1 MR. SKRZYNSKI: Okay, so Officer --
2 (inaudible-not facing microphone)-- is leaving the
3 courtroom. And I call up to the stand Officer Nathan
4 Jordan.

5 THE CLERK: Sir, please raise your right
6 hand. Do you solemnly swear to tell the truth, the whole
7 truth and nothing but the truth?

8 MR. JORDAN: I do.

9 OFFICER NATHAN JORDAN

10 (At 8:50:26 a.m., witness sworn, testified as follows):

11 THE CLERK: Okay. Please watch your step and
12 you may be seated.

13 THE WITNESS: Thank you.

14 DIRECT EXAMINATION

15 BY MR. SKRZYNSKI:

16 Q Would you state your name please, spell your last name?

17 A Officer Nathan Jordan, J-O-R-D-A-N.

18 Q And what is your occupation?

19 A I'm a police officer for the Farmington Hills Police
20 Department.

21 Q How long have you been with Farmington Hills?

22 A About a year and a half.

23 Q Okay, and you were a police officer elsewhere before that?

24 A Yes, Sir, I was with Phoenix Police Department for
25 approximately 10 and a half years.

1 Q Okay. And your duties at the Farmington Hills Police now,
2 what do they entail?

3 A I'm a patrol officer so I respond to calls for service,
4 traffic enforcement and on view activity.

5 Q All right. You've received training for your job?

6 A Yes, Sir.

7 Q What kind of training do you have?

8 A I attended the Arizona Law Enforcement Academy in Phoenix,
9 Arizona and then I've attended training throughout my career
10 in different types of investigations, road patrol, tactical
11 driving instructor --(undecipherable)-- stops, drug
12 recognition and other fields (ph) related to being a patrol
13 officer.

14 Q Have you responded -- we you a patrol officer in Phoenix
15 too?

16 A Yes, I was.

17 Q Okay, have you responded to homicide scenes?

18 A Yes, Sir.

19 Q How many?

20 A At least a hundred.

21 Q Hundred, okay. And you've got basically 12 years as a
22 police officer?

23 A Correct, Sir.

24 Q Okay. Were you on duty on August the 21st, 2017 around 6:40
25 in the morning?

1 A Yes, Sir.

2 Q Were you in uniform?

3 A Yes, Sir, I was.

4 Q In a marked car?

5 A That's correct.

6 Q Where were you?

7 A I was in the northern portion of Farmington Hills, I was
8 approximately in the area of 12 Mile between Orchard Lake
9 and Farmington Road.

10 Q Did anything happen at about that time, 6:40?

11 A Yes. I received a radio call for an address on Howard Road.

12 Q And do you know what the address was? Is it 36933 Howard?

13 A That sounds correct, Sir.

14 Q Okay, and --

15 THE COURT: Excuse me, Mr. Skrzynski, I just
16 need to pause here for a moment.

17 MR. SKRZYNSKI: Sure.

18 THE COURT: Are you from the Oakland Press?

19 UNIDENTIFIED SPEAKER: Yes.

20 THE COURT: All right, you're not going to be
21 taking any photographs, is --

22 UNIDENTIFIED SPEAKER: I was told head shots
23 are okay.

24 THE COURT: Head shots are okay, I just want
25 to place that on the record that you've been informed. I

1 don't want --

2 UNIDENTIFIED SPEAKER: I understand.

3 THE COURT: -- the defendant being shown in

4 --

5 UNIDENTIFIED SPEAKER: Understood.

6 THE COURT: -- the garb that he's in.

7 UNIDENTIFIED SPEAKER: And anyone else is
8 okay, though, right?

9 THE COURT: Not the -- no one else is --
10 that's fine but as far as the defendant goes, just a head
11 shot.

12 UNIDENTIFIED SPEAKER: Yes.

13 THE COURT: Okay? Understood? Thank you.

14 UNIDENTIFIED SPEAKER: Yes.

15 THE COURT: You may proceed, Mr. Skrzynski.

16 MR. SKRZYNSKI: Thank you.

17 BY MR. SKRZYNSKI:

18 Q Okay, and When you were dispatched to that area what were
19 you told on the radio?

20 A I was told that a approximately 33-year-old female was
21 injured, had fallen 10 to 29 feet, that there was bleeding
22 and that CPR had been started.

23 Q All right, so what did you do?

24 A I responded to the house on Howard Road and as I pulled into
25 the driveway I was flagged down by a younger female.

1 Q Did you come to learn that young lady's name?

2 A Yes, it was Aya.

3 Q Okay, A-Y-A?

4 A That's correct.

5 Q And did you come to understand who she was?

6 A Yes, she was the daughter of Nada.

7 Q Okay, and who is Nada?

8 A Nada was the female that I had been called -- who had been

9 found on the back patio.

10 Q All right, so that would be the woman that was on the patio?

11 A Correct.

12 Q Was that Nada Huranieh?

13 A That's correct.

14 Q Okay. So, once you greeted Aya what happened?

15 A She told me that she's over here and directed me back

16 towards the patio on the west side of the house.

17 Q Okay. And did you get to that location?

18 A Yes, Sir, I did.

19 Q Okay.

20 MR. SKRZYNSKI: May I approach, Judge?

21 THE COURT: Yes, you may.

22 MR. SKRZYNSKI: Thank you.

23 BY MR. SKRZYNSKI:

24 Q Officer, I want to show you some photographs and ask you if

25 you recognize these?

1 A Okay.

2 Q This is People's proposed Exhibit number 1, is that a
3 photograph?

4 A Yes, it is.

5 Q And do you recognize that?

6 A That's the -- both the upper and lower patio on the west
7 side of the house.

8 Q Okay, and in that picture can you see the person that you
9 actually saw on the patio?

10 A I can see a white sheet covering what looks like the body of
11 the person.

12 Q Okay. Showing you Exhibit 2, is this a photograph?

13 A Yes, it is.

14 Q And what does that show?

15 A That's a photo of Nada.

16 Q Okay, laying on the patio?

17 A That's correct.

18 Q Okay, and that's how you saw her?

19 A Minus the medical equipment around her, yes.

20 Q They hadn't arrived yet?

21 A Correct.

22 Q Okay. By the way, did they get there while you were there?

23 A Yes, they did.

24 Q Okay, and proposed Exhibit number 3, does that depict there
25 the distance between Ms. Huranieh and the west wall?

1 A Yes, Sir, it does. That appears to be the same distance she
2 was from the wall when I found her.

3 Q Okay. There's also a rag in that picture?

4 A Yes, Sir.

5 Q And that's to the -- as are looking at the picture to the
6 right of the victim?

7 A Correct.

8 Q Okay. And Exhibit number 4, can you tell us what that is?

9 A It appears to be the open window that was located above --
10 directly above the patio where Nada was found.

11 Q Okay. And Exhibit number 5, is that a photograph?

12 A Yes, it is.

13 Q Can you tell us what that is?

14 A That is the bedroom that has the open window in the last
15 one, graph (ph). That's --(undecipherable)-- bedroom.

16 Q And Exhibit number -- proposed 6, do you know, is that a
17 photo?

18 A Yes, it is.

19 Q What does it depict?

20 A It appears to be a photo looking out the open window from
21 the second story, second half story bedroom down to where
22 Nada was lying.

23 Q Okay, and it depicts her?

24 A Yes, it does.

25 Q Is she covered with a sheet?

1 A No, not in that photo she's not.

2 Q Okay, and Exhibit number 7, is this -- can you -- is that a

3 photograph?

4 A Yes, it is, Sir.

5 Q Do you know what that depicts?

6 A That's a similar view as the last photograph, Nada lying on

7 the ground, but there's a sheet covering what appears to be

8 Nada lying on the patio below the open window.

9 Q Okay. In that picture do you -- there is a white bar at the

10 bottom of the picture?

11 A Yes, Sir.

12 Q Do you know what that is?

13 A That's the ledge.

14 Q Okay, and was there --(multiple speakers)--

15 A It looks like --(multiple speakers)--

16 Q -- do you --(multiple speakers)-- about the ledge?

17 A There's a dent or a divot on the stucco ledge. It's

18 approximately five to six feet below the window ledge.

19 Q All right, and Exhibit number 8, is that a photograph?

20 A Yes, it is.

21 Q What is this?

22 A That's the same stucco decorative ledge but blown up and you

23 can see the dent in the ledge.

24 Q Okay.

25 MR. SKRZYNSKI: I would move to admit 1 - 8.

1 (At 8:57:24 a.m., People's Exhibits 1 through
2 8 are offered)

3 MR. SCHIANO: Can I see them one more time?

4 BY MR. SKRZYNSKI:

5 Q Oh, by the way, those are true and accurate representations
6 of what you saw that day?

7 A Yes, they are.

8 Q Okay.

9 MR. SCHIANO: No objection for the purpose of
10 this hearing.

11 THE COURT: All right, then the court will
12 admit People's 1 through 8.

13 (At 8:58:11 a.m., People's Exhibits 1 through
14 8 are admitted)

15 MR. SKRZYNSKI: May I approach?

16 THE COURT: Yes. Thank you.

17 BY MR. SKRZYNSKI:

18 Q All right, and can you just show the Judge on Exhibit number
19 1, that's the side of the house, can you -- does that Depict
20 the open window that you spoke about?

21 A This is the open window.

22 MR. SCHIANO: Can I approach if they're going
23 to talk about it, please?

24 THE COURT: Yes, absolutely.

25 BY MR. SKRZYNSKI:

1 Q Okay, tell us where that is.

2 A So this is the lower patio, the upper patio where I found

3 Nada and then here's the open window directly above the

4 patio.

5 Q Okay, can you show us number 2? And you said that's a

6 photograph of Ms. Huranieh?

7 A That's correct. And then the -- obviously, the metal --

8 (undecipherable)-- was not there when I first got there, but

9 that does -- and neither was the sheet.

10 Q Okay.

11 A But that does look like her placement when I first arrived.

12 Q All right, and can you see the next one? That's exhibit

13 what?

14 A This is Exhibit number 3.

15 Q All right, and that you said depicted her body covered with

16 a sheet but it's -- it depicts the length -- the distance

17 between the wall and where she was lying?

18 A Yes. The distance between where she was lying and the wall

19 appears to be the same distance as when I first arrived.

20 Q And can you show us Exhibit number 1 again?

21 A Certainly.

22 Q And show us which wall that is.

23 A So it would be this western wall of the house.

24 Q And that's the same wall where the window -- the open window

25 is?

1 A Correct.

2 Q Where you found it?

3 A Yes, Sir.

4 Q Okay, thank you. And then the next -- next one?

5 A So this is Exhibit number 4 and this would be the open

6 window that's directly above the patio.

7 Q Can you see that ledge?

8 A Yeah. It's tough with the light on it. There's a

9 decorative ledge that kind of sticks out a couple inches

10 from the face of the stucco wall.

11 Q Okay.

12 A (Inaudible).

13 Q Is that way you saw the defect?

14 A Yeah, you can even see it a little bit in this photo over

15 here.

16 Q Okay. And the next photo?

17 A This is Exhibit number 7.

18 Q And where are you -- where is that taken, what vantage point

19 is that taken?

20 A This would be taken from the open window looking down and

21 you can see there's the stucco ledge and this would be the

22 patio.

23 Q And can you point out where the defect is? Can you see it?

24 A (Inaudible).

25 THE COURT: Okay.

1 BY MR. SKRZYNSKI:

2 Q And the next photo?

3 A This appears to be number 6, just a little out of order. So

4 this is looking out the window down to the patio.

5 Q And that's with the body uncovered?

6 A Correct.

7 Q All right, that's the body of -- and can you point out where

8 that rag is?

9 A Here's the rag.

10 Q Okay, and what do you see --

11 A This is looking down, it's to the left, but when you're on

12 the patio it's still there.

13 Q And can you give us the last one, Exhibit number 8?

14 A Here's number 8. So this would be looking out the open

15 window down that same wall with the stucco and then you'd

16 see the sheet on the patio, but then here's a closeup of the

17 divot in the stucco, the dent.

18 Q Okay. Those are all the pictures, right?

19 A Correct.

20 Q Okay.

21 A Oh, I'm sorry, there's one more.

22 THE COURT: No, there's one more.

23 THE WITNESS: There's one more.

24 BY MR. SKRZYNSKI:

25 Q Oh, all right.

1 A There we go. They got a little jumbled up. So this is
2 number 5. This would be the inside of the bedroom. Here's
3 the open window that we were looking out of.

4 Q Okay. Just so the court knows.

5 THE COURT: Thank you.

6 BY MR. SKRZYNSKI:

7 Q All right, so you said that you were led to that side, the
8 west side of the house?

9 A Yes, Aya brought me back over to the west side of the house.

10 Q Okay, and what was going on when you got back there?

11 A When I got back there I observed -- so --(undecipherable)--
12 learned that Muhammad was up on the upper patio and he was
13 kneeling down next to the body of Nada and he had his left
14 hand on her chest and his right hand was holding the cell
15 phone up to his head and it appeared he was trying to do
16 chest compressions with his left hand.

17 Q All right. Do you see him in the courtroom today?

18 A Yes, I do, he's seated to my left in the blue shirt.

19 MR. SKRZYNSKI: Okay, would the record
20 reflect that the witness has identified the defendant, Mr.
21 Al-Tantawi?

22 THE COURT: Yes, the record will so reflect.

23 MR. SKRZYNSKI: Thank you.

24 BY MR. SKRZYNSKI:

25 Q What happens then?

1 A I ran up to the patio, I informed both the kids that I would
2 be taking over CPR and I requested that they go to the end
3 of the driveway to flag down the fire department. It's a
4 long driveway and it's kind of tough to see from the road
5 where the house is, so I wanted to make sure that the fire
6 department could get back there.

7 Q Okay. Before we go on, he said that Aya was the daughter of
8 Nada, did you come to understand the relationship between
9 the defendant and Nada?

10 A Yes, he's the son of Nada.

11 Q Okay. Okay, what happened when you came and saw him doing
12 CPR?

13 A So I told them to go to the end of the driveway and I did a
14 quick assessment on Nada, check for a pulse, check for
15 bleeding and then I didn't find any bleeding, I didn't find
16 any pulse, I could not tell that she was breathing so I
17 began CPR. And then I advised -- radioed that I needed fire
18 and a supervisor.

19 Q You said that you couldn't find any bleeding?

20 A No.

21 Q There was no blood around her at all?

22 A I did not find any and I wasn't wearing gloves and I padded
23 all around your body and underneath to see if there was
24 bleeding because obviously, if there was hemorrhaging I need
25 to take care of that before I start doing CPR.

1 Q Okay. At that time you said that you wanted to begin CPR?

2 A After I did the assessment, yes, Sir.

3 Q And what was your impression of Ms. Huranieh's condition
4 when you looked and saw -- did those checks?

5 A I could tell the body felt warm but no breathing, no pulse.
6 I didn't feel that she was alive at that point.

7 Q Okay. Now, as you were doing the -- how long did you do the
8 CPR?

9 A Approximately three to five minutes.

10 Q All right, and what happened -- did you do anything while
11 you were doing the CPR?

12 A I did get on the radio I believe twice, once to ask for fire
13 and then once to ask for a supervisor.

14 Q And when you ask for fire, why do you ask for that?

15 A Because it's an advanced medical personnel who can treat her
16 beyond my capabilities.

17 Q Okay.

18 A And it's standard. Anytime you have somebody injured we
19 request medical personnel.

20 Q All right. As -- were you making an assessment of the scene
21 as you did this?

22 A As I was doing CPR, not at that point. I mean, I made
23 observations directly around me. I noticed there was a rag
24 on the ground and then I did notice the open window. That
25 was kinda part of the quick initial assessment just to see

1 what injuries I should be looking for.

2 Q And what were your impressions when you made that
3 assessment?

4 A It appeared that she had suffered a fall.

5 Q Okay. And did you -- did you see what you might expect to
6 see from a person who suffered a fall?

7 MR. SCHIANO: Objection --

8 THE WITNESS: At that initial point --

9 THE COURT: Just a second.

10 MR. SCHIANO: There's no foundation for this
11 officer --

12 MR. SKRZYNSKI: All right.

13 BY MR. SKRZYNSKI:

14 Q Have you seen people who are victims of false?

15 A Yes.

16 Q Have you, yourself, been the victim of a fall?

17 A Yes.

18 Q Okay, and what -- how many times have you seen something
19 like that?

20 A Other people who have fallen?

21 Q Yes.

22 A Approximately 30 to 50. I couldn't really put an exact
23 number on it.

24 Q Mm-hmm. And do you usually make observations of the -- when
25 you see the fall victims?

1 A Yes.

2 Q Okay. What do you -- is there some kind of consistent
3 finding?

4 A I couldn't say consistent. Every situation is different.
5 It depends upon the circumstances that led to the fall.

6 Q So did this seem like a typical fall to you?

7 MR. SCHIANO: Objection, Judge. That's not a
8 proper foundation for -- he said they're all different, how
9 can he testify to this one as being consistent? He said --
10 (multiple speakers)--

11 MR. SKRZYNSKI: Well, he can answer the
12 question that he -- that they're all different.

13 THE COURT: Well, he did say that, so.

14 MR. SKRZYNSKI: Okay.

15 THE COURT: Either rephrase your question or
16 move on.

17 BY MR. SKRZYNSKI:

18 Q Did -- what specific observations did you make that arrested
19 your attention?

20 A At that initial point I was still focused on the CPR waiting
21 for the fire to get there.

22 Q Okay, they came -- they came eventually said, right?

23 A That is correct.

24 Q Okay, and then they took over the CPR?

25 A Yes, they did.

1 Q Then what happened?

2 A I went inside to speak with both Muhammad and Aya.

3 Q What happened there?

4 A I asked them when was the last time they had seen, who we

5 learned was their mother, Nada, and I asked them, so they

6 said that -- Muhammad --

7 Q When you say "they" who are you talking?

8 A I'm sorry, I'm speaking to Aya and Muhammad at this point.

9 Q Okay. And who speaks?

10 A Both of them were speaking.

11 Q Okay, what happened?

12 A Muhammad said he had last seen her approximately 2000 hours

13 or 8:00 o'clock the night before and that he had gone to bed

14 at approximately 2300 hours.

15 Q And that was 11:00 o'clock?

16 A Yes. Sorry. And then Aya mentioned that she had woken up

17 this morning at 6:30 and she had not seen her mother and she

18 had called for her and that was unusual. And then she had

19 walked to her mother's bedroom, so that will be on the first

20 floor, and --(undecipherable)-- found her and then started

21 walking through the house, and when she went up to the

22 second floor she saw that there was a light on in the west

23 bedroom, and when she went into that room she looked out the

24 window and saw her mother on the patio.

25 Q Okay. And then what? What did she say?

1 A She had called Muhammad and they had both gone outside and
2 Muhammad had called 911.
3 Q Muhammad or?
4 A Muhammad, yeah.
5 Q Okay. Are you positive that she said that?
6 A I don't recall if -- I know Muhammad was on the phone with
7 911 when I got there.
8 Q When you got there.
9 A Correct.
10 Q Okay.
11 A I don't recall if she said she initially called or Muhammad
12 actually called. I just know he was on the phone with 911
13 when I got there.
14 Q All right, so you were told that -- did you find out how
15 many people were there?
16 A In the house?
17 Q Yes.
18 A Muhammad and Aya told me that -- I think just Muhammad told
19 -- Muhammad told me that it was he, his sister, Aya, his
20 sister, Sidra (ph) and their mother, and they were the only
21 people in the house.
22 Q Okay, and no one else had come in?
23 A He told me that no one else was there.
24 Q Okay. Did you come to learn anything about Sidra, the
25 youngest daughter?

1 A Yes, later on I did. Well, initially they told me that she
2 was upstairs sleeping and then later I learned that she had
3 some developmental disabilities.

4 Q Okay. Is that all that Muhammad told you?

5 A In that initial conversation with he and I, yes.

6 Q Okay, what happened then?

7 A I went outside and I contacted the fire personnel, I gave
8 them Nada's information, which I had gotten from Muhammad
9 and Aya, and then I had also -- in that initial conversation
10 with Muhammad and Aya I had asked if there was any history
11 of depression of suicide attempts with Nada.

12 Q And what happened?

13 A Aya told me that there was not, Muhammad told me that his
14 mother had taken pills in the past and that he had witnessed
15 that.

16 Q And Aya told you that there wasn't any?

17 A Aya denied that.

18 Q She denied it?

19 A Yes.

20 Q After he said it?

21 A Correct.

22 Q Okay. When did you ask him that?

23 A That was in the initial conversation. I asked them when was
24 the last time they had seen their mother and then I had
25 asked them who all was in the house and then I asked if

1 there was any history of depression or suicide attempts.

2 Q Now, you said initially that you had called for a
3 supervisor?

4 A Correct.

5 Q Why did you do that?

6 A Something just didn't feel right.

7 Q What do you mean?

8 MR. SCHIANO: Objection, Judge.

9 MR. SKRZYNSKI: Well, I asked him why.

10 MR. SCHIANO: His feelings?

11 THE CLERK: Counsel?

12 MR. SCHIANO: I'm sorry, I apologize. (Stood
13 up).

14 THE COURT: Well, that's why he did what he
15 did, so I will allow it. Go ahead.

16 MR. SKRZYNSKI: Thank you.

17 BY MR. SKRZYNSKI:

18 Q It didn't seem right you said?

19 A Things didn't seem right.

20 Q What about them did not seem right?

21 A As I was going through it, the placement of her body, it was
22 an unusual circumstance. Young children --

23 Q When you say the placement of her body, what do you mean?

24 A The way her body was lying on the patio. Again, just from
25 my experience and having been to a lot of death

1 investigations, something didn't feel right and I felt that
2 a supervisor should come out to the scene.

3 Q Was there something about the orientation of the body? You
4 said the way she was lying on the patio?

5 A That was part of it, yes.

6 Q Well, what about her orientation on the patio?

7 A It was not what I would have expected.

8 Q What would you have expected?

9 MR. SCHIANO: Objection --(multiple
10 speakers)-- regards to -- he's not trained to testify about
11 this. He has no experience. He's testifying about a fall
12 from a window where he has no experience whatsoever --
13 (inaudible).

14 MR. SKRZYNSKI: He's --

15 MR. SCHIANO: So he's telling us it didn't
16 seem right? He's not an expert on a fall to --

17 MR. SKRZYNSKI: Well, Judge, what I'm trying
18 to get from him is the factual basis for that conclusion.

19 THE COURT: Well, you know, he has had
20 experience being at homicides, people have fallen, I will
21 allow it. Go ahead.

22 MR. SKRZYNSKI: Thank you.

23 BY MR. SKRZYNSKI:

24 Q So, like I said, the -- you said the orientation of the body
25 was to you seemed remarkable?

1 A Yes.

2 Q Why?

3 A Based upon the length of fall, the placement of the body,
4 where her head and feet were and the fact that she was face
5 up. From my initial observations I couldn't understand how
6 she would have landed in that placement. In addition, the
7 small children having found her, the potential that it could
8 have been a suicide and just the unknown factors. It's not
9 a standard death investigation where it's either a Hospice
10 death or it's someone who passed away from obviously natural
11 causes, at which point I've always called for a supervisor
12 to the scene in any death investigation where there's not a
13 standard natural causes or a Hospice death.

14 Q Okay. And you say the head was close to the building?

15 A Correct.

16 Q Well, we saw the picture of it.

17 A Yes, Sir.

18 Q And you would -- okay. That seemed strange to you?

19 A My initial observation --

20 MR. SCHIANO: Objection, Judge.

21 THE WITNESS: -- at that point I felt that it
22 was --(inaudible).

23 THE COURT: Just --

24 MR. SCHIANO: I apologize, Judge. I do have
25 -- I had surgery on my knee last week, I will stand up as

1 much as I can. I had meniscus surgery, it's still stiff, I
2 will stand up for you, but I apologize if I don't stand up
3 any quicker because --

4 THE COURT: You know what, that's quite all
5 right.

6 MR. SCHIANO: -- I will start feeling a
7 little bit of --

8 THE COURT: I'll tell you what, just -- you
9 can remain seated, all right? That's fine.

10 But your objection is?

11 MR. SCHIANO: I forgot. I apologize.

12 THE COURT: That's okay.

13 MR. SKRZYNSKI: I think he was objecting to
14 what I asked, if the --

15 THE COURT: That's okay, you can both remain
16 seated for your objection. It's okay.

17 MR. SCHIANO: If he could just recite (ph)
18 the question for me, Judge. I apologize.

19 THE COURT: Okay.

20 MR. SKRZYNSKI: I was asking the witness what
21 about the fact that the head was closest to the wall was
22 unusual to him.

23 MR. SCHIANO: (Inaudible).

24 THE COURT: Go ahead, you may answer.

25 THE WITNESS: Okay. Initially, trying to

1 figure out how her head would have been closest to the wall
2 coming out of the window. I would have expected it to have
3 been -- the head to have been face down and further away
4 from the wall if somebody went face first out the window.

5 BY MR. SKRZYNSKI:

6 Q Okay. So that's what prompted you to call the supervisor?

7 A That's one of many factors that prompted me to call the
8 supervisor.

9 Q What were some of the other factors?

10 A The fact that it was not a natural -- obviously not a
11 natural death, it was not a Hospice death, there were small
12 children on the scene, and --

13 Q Why do you think --(multiple speakers)--

14 A -- my experience --

15 Q -- why did you say it was not a natural death?

16 A Naturally it would be somebody passing away from old age,
17 from --

18 Q Okay.

19 A -- a heart attack, from a medical ailment that they had --

20 Q Okay.

21 A -- and that was previously diagnosed.

22 Q All right, so then what happened?

23 A I went back and after speaking Muhammad and Aya initially I
24 went back out and I contacted the fire department, provided
25 the with Nada's information, and that there was a

1 possibility of a previous suicide attempt with this person.

2 Q Okay, what happened then? Were you thinking look in terms
3 of the suicide?

4 A I hadn't made any determination at that point.

5 Q Okay.

6 A I then went back inside and that's when I contacted Muhammad
7 and I again, because I wanted to get a more thorough story
8 of what had surrounded them finding her and what happened
9 before.

10 Q What happened?

11 A That's when I spoke with them and asking about Nada's usual
12 habits in the morning, both of them informing that she was
13 usually up earlier in the morning. Aya mentioned that she's
14 usually up at 4:30 or 5:00 to clean the house every morning.
15 And then that they normally leave for school at 6:30 and
16 Nada takes the children to school. And then Muhammad
17 mentioned that he had woken up at 6:30. The second time I
18 talked to him he said he got up at 6:30.

19 Q At 6:30?

20 A Yes. The first time he had mentioned it was a little before
21 6:00, he had heard her, and then when he said he woke up at
22 6:30 he realized that it was late and they should have been
23 going to school. And then that's when Aya told me that she
24 had walked through the house and she got up to the second
25 story bedroom and she had noticed the windows open and

1 looked out and seen her mother out there.

2 Q Okay. And neither one of them had seen her that morning?

3 A Neither one of them said that they had seen her that morning
4 the second time I talked to them all.

5 Q Okay. You said that the -- okay. What happened then?

6 A I then went back out, Officer Ahmad arrived on scene. I
7 asked him to stand by with the children inside the house.
8 Sidra was still upstairs sleeping at this point. And then I
9 went back out to the patio to contact fire personnel to
10 determine if they were going to be transporting or what the
11 status of Nada was.

12 Q Okay, then what?

13 A I was contacted by the firefighter in charge of the scene
14 and he asked if he could -- if I could escort him upstairs
15 to look out the window that was directly above where Nada
16 was found.

17 Q Did he tell you why he wanted to do that?

18 A He wanted to determine what injuries, if any, they needed to
19 be looking for and he wanted to see from up there how she
20 could have landed and what else they should be trying to
21 assess.

22 Q Did the -- do you know whether the fire department personnel
23 working on her had made any kind of determination about her
24 condition?

25 A They were still treating her at that point. They were still

1 doing CPR.

2 Q Okay.

3 A I knew it was serious but they had not stopped treating her
4 at that point.

5 Q All right. What happened next?

6 A I escorted the firefighter upstairs to the second story
7 bedroom and I had asked Aya how to get up there because it's
8 a large house and there's several staircases, so she kind of
9 pointed how to get up there. And then I escorted him into
10 the room and we both looked out the window.

11 Q All right, and that was Exhibit number --

12 MR. SKRZYNSKI: I'm sorry, Judge --

13 (undecipherable)-- the exhibits --(undecipherable).

14 THE WITNESS: I believe it's number 5 is the
15 inside of the room.

16 MR. SKRZYNSKI: Okay, Exhibit number 5.

17 THE COURT: This one?

18 THE WITNESS: Yes, your Honor.

19 BY MR. SKRZYNSKI:

20 Q All right, and that's -- when you walked in is that what you
21 saw?

22 A Yes.

23 Q Okay, can you --

24 A That's how it looked.

25 Q All right, and what -- that -- can you just describe the

1 things that were in there?

2 A It's a -- well, it appears to be a guest bedroom. There's a

3 step ladder that was underneath the open window and that

4 window is about three, three and a half feet off the ground.

5 Q Okay.

6 A And then on the step ladder was a bottle of cleaning

7 supplies, I think it's Tilex.

8 Q Tilex?

9 A Yeah, I believe it was Tilex that's sitting on the -- yeah,

10 appears to be Tilex, sitting on top of the step ladder.

11 Q Okay, and what did you notice about the windows?

12 A I noticed that the -- if you were looking out the window,

13 the window pane on the right was open and swung out and then

14 there was -- appeared to be spray marks on the outside of

15 the window.

16 Q Of the window that was open?

17 A Correct.

18 Q Okay.

19 A And that was about all the observations I have of the

20 window.

21 Q What happened then?

22 A We both looked out the window and that's when we saw the

23 dent in the stucco ledge. It was a lot easier to see from

24 above than below. And then looked at the placement of

25 Nada's body.

1 Q About how far down below the window was the ledge?

2 A Approximately five to six feet.

3 Q Okay. And did you also note that defect in it?

4 A I did.

5 Q Okay, and that was one that was depicted in the picture?

6 A That's correct, Sir.

7 Q All right, right happened then?

8 A Both the firefighter and I began trying to figure out how

9 her body could have landed that way.

10 Q Okay, so you discussed --

11 A And how she may have -- if she had and how she may have also

12 struck that ledge.

13 Q Okay. Do you know which part you were thinking about?

14 A Both. It was how she would have gone out the window to both

15 strike that ledge and then also land the way that she was.

16 Q Okay. Did you notice anything about the defect itself,

17 could you see anything specific about it?

18 A From that point I couldn't tell you. I could just see that

19 there was a dent in it.

20 Q Okay. What happens then?

21 A Both the firefighter and I could not come up with a scenario

22 from standing there that would have led to her placement and

23 having struck that ledge without having kicked the ladder

24 out or without there having been some claw marks or nail

25 marks in the window, like somebody trying to catch

1 themselves.

2 Q Okay.

3 A We didn't come up with a conclusion at that point, we just
4 couldn't come up with an answer for how she had landed the
5 way she was and also potentially struck that ledge.

6 Q And the purpose of doing this was?

7 A To determine what other injuries we may be looking for.

8 Q Okay, I see. And that was for treatment purposes?

9 A Yes, that's why we were up there.

10 Q Okay. What happens then?

11 A I escorted the firefighter back down because he wanted them
12 to continue assessing the body. I took him back down and
13 then I went and I stood with -- stood by with Officer Ahmad
14 and Muhammad and Aya.

15 Q Did you ask them anything else, the two children?

16 A I did. I asked them if they had moved Nada's body, because
17 that would have been the most logical explanation for why
18 things weren't adding up.

19 Q And what did they say?

20 A They said they had not.

21 Q Okay. What happens then?

22 A I stood by until Sergeant Harold (ph) got there and then
23 Detective Molloy and Sergeant Wehby.

24 Q Was the father of the defendant and Aya, was he there?

25 A Not initially, no. I had asked Muhammad and Aya if they had

1 any other family members close by and they said that their
2 father lived relatively close.

3 Q Okay. Did they tell you why he was not there?

4 A They said that their parents are going through a divorce.

5 Q Okay. Did there come a time when you spoke with the father?
6 Did he come to the scene?

7 A He did come to the scene but I had spoken with him previous
8 to that on the phone.

9 Q Did somebody direct you to do that?

10 A Muhammad had called him. I had directed Muhammad to call
11 his father to respond because I knew how serious things were
12 with Nada and I wanted another adult family relative there.

13 Q Okay, and their other relatives you said were where?

14 A They said all their other family was out of the country.

15 Q Okay, so what happens?

16 A Muhammad later called his father, Bassel, and asked me to
17 speak with Bassel on the phone. Bassel was requesting to
18 speak to an officer.

19 Q Okay, and did you talk to him?

20 A I did.

21 Q What'd you tell him?

22 A I explained that his wife had suffered an injury, that it
23 was serious, and that he needed to be there for his
24 children.

25 Q Okay. And was there a problem with that?

1 A He expressed some reservations because he was court ordered
2 not to be there and he was on a tether and I told him that
3 he needed to respond anyways, that his children needed him
4 there.

5 Q Okay. And what happens?

6 A He later responded to the house.

7 Q Do you know if he -- about how soon after the phone call did
8 he get there, do you know?

9 A I can't recall. It was within an hour.

10 Q Okay. What happens -- you said that Detective Molloy and
11 Sergeant Harold came to the scene also?

12 A Correct.

13 Q What happened then?

14 A I briefed them on what I had found and they began taking
15 over the investigation. I do recall that we were directed
16 to walk around the exterior of the house, which I did that
17 with Detective Molloy and Sergeant Harold.

18 Q When you walked around the exterior of the house what did
19 you do that for?

20 A We were looking for any forced entry, any obvious pry marks,
21 any other unlocked or open doors or windows, and then also
22 any cleaning sprays on any of the other -- cleaning marks or
23 sprays on any of the other windows of the house.

24 Q And what did you find?

25 A I did not find any other unlocked doors or windows, did no

1 find any obvious damage or pry marks to any doors or windows
2 that looked like they had been forced open, and I didn't
3 find any other spray marks on any other --(coughing)-- but I
4 did observe several security cameras placed around the
5 house.

6 Q Okay. Did you observe a security camera in the area where
7 Ms. Huranieh was lying?

8 A Yes. There was one on the -- under the eaves pointing down
9 towards the patio.

10 Q Can you show it to the Judge --

11 MR. SKRZYNSKI: Judge, can you hand him

12 Exhibit number 1 please --

13 THE COURT: Sure.

14 BY MR. SKRZYNSKI:

15 Q And then can you show the Judge where that security camera
16 is?

17 A So that security camera -- it's kinda tough, it's up in this
18 corner.

19 THE COURT: Okay.

20 BY MR. SKRZYNSKI:

21 Q Okay. And you said there were other cameras around the
22 house?

23 A Yes, Sir.

24 Q Okay. What did you do then?

25 A I went back inside and I asked Muhammad and Aya if they knew

1 if the cameras were operational and Muhammad told me they
2 were not.

3 Q Okay. What happened then?

4 A I stood by until relieved by Detective Molloy. Actually,
5 I'm sorry, I called the medical examiner and requested they
6 come out at Detective Molloy's request.

7 Q And did they?

8 A Yes, they did.

9 Q Okay. When -- when Mr. Al-Tantawi came, the father, were
10 you there when he arrived?

11 A Yes, I was.

12 Q Did you see what happened when he arrived?

13 A I was there when Sergeant Haro and Detective Molloy
14 contacted him and Sergeant Haro told him that his wife,
15 Nada, was deceased.

16 Q Okay. What happens then?

17 A He appeared distraught and after he had collected himself we
18 escorted him inside so he could speak with his children.
19 And we'd asked him if he preferred to make a notification to
20 his children or if he wanted us to do it and he eventually
21 agreed that he wanted to be the one to notify them.

22 Q And did he -- what happened then?

23 A He went inside and spoke with the children. I wasn't close
24 enough to hear what was being said.

25 Q All right, what happened then?

1 A I returned to my patrol car and wrote my report and then
2 stood by until I was relieved by Detective Molloy.

3 Q Okay. Were you then when Ms. Huranieh's body was removed
4 from the scene?

5 A I don't believe so.

6 Q Okay. Did there come a time when Aya and Muhammad and Sidra
7 left the scene?

8 A I don't believe I was there. I can't recall. I think they
9 went for breakfast at some point --

10 Q With Mr. Al-Tantawi?

11 A Yes, but again, I was typing my report in my patrol car and
12 other officers were on scene handling the scene security at
13 that point.

14 Q Okay. All right, thank you, I have nothing further.

15 MR. SCHIANO: Do you want this?

16 MR. SKRZYNSKI: Thanks.

17 CROSS-EXAMINATION

18 BY MR. SCHIANO:

19 Q Officer, you indicated that you had been involved in over
20 100 homicide investigations, is that a correct statement?

21 A Yes, Sir.

22 Q And of those hundred homicide investigations what was your
23 role in any of those?

24 A I was often the first officer on scene.

25 Q And what would be the most important thing for a first

1 officer on the scene in a homicide investigation to do, Sir?

2 A First thing is security.

3 Q Security. Preservation of evidence too maybe?

4 A That's part of it.

5 Q Did you do any of preservation of evidence in this case?

6 A I did not move any of the evidence.

7 Q Did you put any police tape up so people didn't walk through

8 a crime scene?

9 A No, I did not.

10 Q You had this epiphany of a problem in your head at some

11 point when you were seeing the fall and seeing the body and

12 you said it didn't look right, did you do anything at all to

13 preserve the evidence that was in front of you?

14 A I did not --

15 Q By putting crime tape up?

16 A I did not have any other persons walk into the crime scene

17 other than the medical personnel through there.

18 Q Well, did you preserve the upper room where this body

19 allegedly fell from?

20 A I had an officer in the house and didn't allow anybody up

21 there.

22 Q Okay. Well, you're in the house with the Farmington Hills

23 Police Department from approximately 7:00 o'clock to 12:00

24 o'clock, correct?

25 A Approximately, yes, Sir.

1 Q Your entire police department left at about 12:00 o'clock,
2 correct?

3 A I am unaware of that.

4 Q That would be noon time?

5 A I don't know if they all left --(multiple speakers)--

6 Q What time did you leave then, Sir?

7 A Between 11:00 and noon.

8 Q Okay. And who left -- who was left on scene at that point,
9 if you recall?

10 A Detective Molloy was still on scene, Sergeant Wehby was
11 still on scene, I believe Officer Swanderski was still on
12 scene and there were other uniformed officers but I don't
13 recall --(inaudible).

14 Q But in terms of being the first officer on the scene, you
15 did absolutely nothing to put up police tape, secure the
16 upper room, secure any part of this household, fair to say?

17 A No. I did not put up police tape, that's correct. But I
18 did secure the only people who we knew were in the house in
19 a room with another officer and then the only personnel who
20 were allowed on the patio while I was there was the medical
21 personnel and then later detectives.

22 Q Well, you didn't know if this was a suicide, homicide or an
23 accidental fall at the time, isn't that a fair statement?

24 A I did not, correct.

25 Q So you had no idea how this body came out the window,

1 correct?

2 A I had -- I wouldn't say I had no idea.

3 Q Well, you made a comment on your direct examination that she

4 couldn't have come out face first. Who told you she had

5 fell fast first?

6 A No one told me.

7 Q Okay, so that was an assumption you made, correct?

8 A Yes.

9 Q All right, and you have no idea how she came out the window,

10 correct?

11 A I was not there when it happened, no.

12 Q So you can't tell us how she would wind up on the ground if

13 you can't tell if she fell backwards, forwards, sideways or

14 upside down, fair to say?

15 A I would say that unless I was -- at that point I was not

16 sure how she landed --(multiple speakers)--

17 Q Let's just agree you had no clue how she fell out the

18 window, fair to say?

19 A Again, I would say I was not there when it happened, I had,

20 based on my observations I had working theories, so I

21 wouldn't say I had no clue. If you want to say I

22 definitively did not -- I was not there so I cannot say

23 definitively I knew exactly how she went out the window at

24 that point.

25 Q Well, you told this court face first, you made a comment

1 about face first on direct examination, didn't you?

2 A One of my observations, both mine and the firefighter's when
3 we were up there, was thinking that if she had gone out face
4 first it did not make sense the way that she was landing.
5 We also thought if she'd gone out backwards how she would
6 have been landing, and that wasn't adding up to the way we
7 thought somebody who would have fallen from that distance
8 either.

9 Q Well, let's talk about your first observations you made to
10 the scene on the back patio there.

11 A Sure.

12 Q You came around the corner, it's a long walk from the
13 driveway up around the house, fair to say?

14 A It's a decent distance, yeah.

15 Q Okay, and you were with Aya at the time, correct?

16 A I was following her, yes.

17 Q She was directing you where to go, correct?

18 A Correct.

19 Q When you came around the corner and saw Muhammad on top of
20 his mother performing CPR, correct?

21 A He wasn't on top of her, he was kneeling next to her.

22 Q Okay, kneeling next to her, you saw his hand on her chest,
23 correct?

24 A Yes.

25 Q You heard him talking to the 911 operator, correct?

1 A I heard him on the phone, I didn't know it was a 911
2 operator til I got all the way up there.

3 Q And when you got there you saw him perform the CPR, fair to
4 say?

5 A I saw him pressing his left hand on her chest, yes.

6 Q You came up to that patio and you stopped, isn't that a fair
7 statement?

8 A I didn't -- you're going to have to rephrase that.

9 Q You walked up to the scene of the patio, you stopped, you
10 went on the radio for a couple seconds, correct?

11 A No.

12 Q You didn't walk directly to the body.

13 A Yes, I did.

14 Q Did you ever watch a video of yourself from the security
15 camera that has been provided in evidence?

16 A No, I have not.

17 Q Okay, did you ever see what you actually did when you
18 approached the body on video?

19 A I have not watched it on video, no, Sir.

20 Q Did you ever see and hear that you said at the time you put
21 your hand on her chest twice and said, "She's DOA," do you
22 recall saying that?

23 A I don't recall saying "DOA," no.

24 Q Do you recall only performing CPR for two chest
25 compressions?

1 A No.

2 Q You told Mr. Skrzynski you did it for three or four minutes,

3 didn't you, a couple minutes ago?

4 A I remember doing it more than twice.

5 Q Okay. You never watched the video of you coming up to the

6 body, putting your hand on the chest twice and saying "DOA"

7 and then standing up and walking away, do you recall doing

8 that?

9 A I don't recall doing that, no.

10 Q Did you ever put your mouth on her mouth to give her any

11 resuscitation in that way?

12 A No, I did not.

13 Q All you did was put your hand on her chest and you're saying

14 you did it for at least three minutes?

15 A I remember doing CPR.

16 Q Did you hear my question?

17 A I did.

18 Q Okay, what is CPR to you then, Sir?

19 A Chest compressions. It can also be mouth to mouth but it's

20 primarily chest compressions.

21 Q Well that was my question, if you perform CPR it involves

22 putting your mouth on her mouth and breathing into her

23 mouth, is that a fair statement?

24 A Not every time, no, Sir.

25 Q You don't recall on your radio indicating the words -- the

1 letters "DOA"?

2 A I don't recall putting that out on the radio, no. And
3 again, I would not have made that determination over the
4 radio to tell them that she was dead on arrival.

5 Q You call for your backup, correct?

6 A I did call for backup.

7 Q And how long did they say they'd take to get there?

8 A I don't recall.

9 Q Was fire personnel on scene within minutes of you getting
10 there?

11 A Yes, they were.

12 Q And you gave up the care of the victim at the time to them,
13 fair to say?

14 A Correct.

15 Q And then you went into the house?

16 A Yes, Sir.

17 Q What did you do in the house?

18 A I went into the center living area where Muhammad and Aya
19 were sitting on the couch.

20 Q And who was with them at the time, were other --

21 A No one else was there at that point, I was the only officer
22 on scene. Once the fire department got there that's when I
23 went in the house.

24 Q You said that after the fact that you made a observations
25 with other detectives by walking around the house, correct?

1 A The exterior? Yes, Sir.

2 Q Yeah. You said you checked the windows, you checked the

3 upper windows and the lower windows?

4 A Yes, Sir.

5 Q You reached out and touched all these windows?

6 A No, I could observe them from the ground.

7 Q Some 30 feet in the air?

8 A Yes, Sir.

9 Q Did you -- you saw at least 10 security cameras, correct?

10 A I don't recall how many security cameras there are, there

11 were several.

12 Q Okay. And did you ever look -- you were in the house,

13 correct?

14 A Yes, Sir.

15 Q Did you ever look to see if there was any equipment in the

16 house?

17 A No.

18 Q This was -- this is how you do a homicide investigation?

19 A I didn't know it was a homicide investigation at that point,

20 Sir.

21 Q You told us something tweaked your interest here that you

22 thought something was wrong, correct?

23 A I thought some things were not adding up, that's correct.

24 Q And you were checking to see whether or not there was any

25 forced entry throughout this house, correct?

1 A Correct.

2 Q So you were looking to see if someone had broken into this

3 house and potentially had killed this woman, fair to say?

4 A We were covering all avenues.

5 Q Well, you don't think checking for security cameras would be

6 covering all avenues?

7 A I did check for security cameras and then I asked Muhammad

8 if they were working and he informed me they were not, but

9 there were also other detectives and sergeants on scene who

10 were taking over the investigation.

11 Q You were in the house, it's a large house, correct?

12 A Yes, Sir.

13 Q Did you check in different rooms in the house?

14 A I did not at that point, no.

15 Q Did you make the actual observation of that camera depicting

16 the scene where this body was found? Did you see that

17 camera yourself?

18 A Did I see the physical camera on the outside of the house?

19 Q Yeah.

20 A Yes, I did.

21 Q And do you recall -- strike that. At some point you

22 indicate when you come up to a body that was warm, correct?

23 A Yes.

24 Q And you check for breathing, correct, and a pulse?

25 A Correct.

- 1 Q And you found nothing?
- 2 A Correct.
- 3 Q When you say you saw no blood, you saw that she had suffered
- 4 a wound to the head though, correct?
- 5 A I did not see the wound when I first got there. I padded
- 6 everywhere, checked for blood underneath, but I don't recall
- 7 seeing an actual wound.
- 8 Q You rolled her over?
- 9 A No, I did not roll her over.
- 10 Q Did you check under her head?
- 11 A I padded around and under her head --
- 12 Q You said you --
- 13 A -- there was also -- (multiple speakers) -- pools of blood.
- 14 Q You said you had no gloves on though, correct?
- 15 A Correct.
- 16 Q You didn't observe any physical damage or injuries to her
- 17 face either, did you?
- 18 A No, I didn't.
- 19 Q You didn't see any bruising to her lip, did you?
- 20 A I did not. I don't recall seeing any, no.
- 21 Q You didn't make any observations or tell in any reports you
- 22 saw any damage to her hands or to her face or to her legs,
- 23 correct?
- 24 A I did not see any, no.
- 25 Q And that was your assessment because you were trying to see

1 if she had any other injuries, correct?

2 A Correct.

3 Q When you had talked to Aya, Aya had told you that she had
4 woken up at around 6:30. She also told you that she tried
5 calling her mother, do you remember her telling you that?

6 A She said she tried calling her twice.

7 Q Okay, did you ever ask to see her cell phone to see what
8 time she called her at?

9 A At that point I thought she had been yelling, I didn't think
10 you needed to use a cell phone inside your own house.

11 Q But she told you she tried calling her, right?

12 A Yeah. And again, I assumed she was yelling, calling for her
13 mother.

14 Q Well, did you ever check her phone call -- any phone calls?
15 She told you she woke up at 6:30, correct?

16 A I did not check her phone, no.

17 Q She had a phone on her, correct?

18 A I don't recall.

19 Q You never saw her with her phone in her hand?

20 A I don't recall, no.

21 Q You saw a phone in Muhammad's hand?

22 A Yes, when he was talking to his father.

23 Q Okay. I'm talking at the scene, when you came the first
24 time to the scene he was talking to 911, right?

25 A Yes, he was on the phone then.

1 Q Did you make the determination of who he was talking to at
2 the time?

3 A I could -- once I got down next to the body I could hear our
4 dispatcher on the phone with him.

5 Q What was the dispatcher saying, do you recall?

6 A I don't recall.

7 Q Wasn't she saying one, two, three four; one, two, three,
8 four?

9 A I don't recall.

10 Q Did you make any observations -- you said you went up to the
11 upstairs room where the window was open, did you make any
12 observations of any band-aid or anything on the windowsill
13 there?

14 A I don't recall a band-aid being on the windowsill.

15 Q You never saw anything of that nature?

16 A I just don't recall seeing a band-aid on the windowsill.

17 Q And again, you didn't secure anything in that room, did you?

18 A You're going to have to explain what you mean by securing
19 anything in that room.

20 Q Well, I assume that in your hundred homicide investigations
21 you've put up either police tape or something to make sure
22 people don't get into a potential crime scene, you know what
23 that is, right?

24 A Yes, I do know what a crime scene is, thank you.

25 Q And did you do that in this case?

1 A I did not put up crime scene tape in this case.

2 Q either downstairs or up in that room, fair to say?

3 A Correct.

4 Q And you said that when you were inside with the children

5 that the firefighters were still performing some type of CPR

6 on Nada, is that right?

7 A Correct.

8 Q What was the time period, if you recall, from the time you

9 sent the kids inside until the firefighters arrived and they

10 performed CPR, do you recall?

11 A Within a few moments. I'd say probably three to four

12 minutes.

13 Q And you --

14 A At most.

15 Q And you indicated that there was a period of time from when

16 you made the phone call -- or you asked Muhammad to make the

17 phone call to his father til when his father arrived,

18 correct?

19 A Correct.

20 Q You were aware that he was in I think Canton at the time,

21 right?

22 A I believe that's correct.

23 Q Okay, and that would take him about an hour?

24 A I don't know that he was in Canton. I was told that he was

25 in Canton.

1 Q Okay. And it would take him an hour to get Farm -- to the
2 house, is that right?

3 A I couldn't tell you how long it would take him to get there.

4 Q But there was some concern that you were aware of that he
5 had an order -- a protection order to stay away from that
6 house, correct?

7 A The only thing I knew is what Bassel told me, is that he was
8 not supposed to be at the house and that he was on -- I
9 believe he said he was on a tether.

10 Q Well, you have access to these type of records, don't you,
11 that you can look on your computer and see if someone's not
12 allowed to be at a certain premises?

13 A I would have accessed that, yes, Sir.

14 Q So did you check to see whether or not he had the ability to
15 be at that house?

16 A No, I did not.

17 Q So do you know if he was lying to you?

18 A I have no way of knowing. Not at that point.

19 Q That was one of his concerns to come over there, is that he
20 wasn't allowed over there, right?

21 A Correct.

22 Q But you gave him the permission somehow that you claim to
23 have had to give him the permission to come over there,
24 correct?

25 A I told him that he needed to respond because I had minor

1 children in the house and no other adult family that was
2 available to take charge of them.

3 Q Did you get permission to do that from one of your
4 supervisors or you just did it on your own?

5 A I did it on my own.

6 Q Did you tell any of your supervisors that you granted
7 permission for someone to have an order of protection
8 against them come to the house?

9 A I did, I spoke with Sergeant Haro and he told me that laws
10 -(undecipherable)-- respond because there were no other
11 adult family members in the country.

12 Q Okay, so it was something that you had talked to with the
13 other officers knowing full well that he couldn't be there
14 to allow him to come over there and take care of his kids,
15 correct?

16 A I made the determination initially and then when Sergeant
17 Haro arrived on scene I informed him of the decision that I
18 had made and he confirmed it.

19 Q Okay, and at some point in time during the course of the
20 morning between 7:00 -- or 8:00 and 12:00 the family, the
21 doctor and his two children -- or three children, all left
22 the premises, correct?

23 A Again, I remember them saying they were going to breakfast
24 but at that point I was not in charge of scene security
25 anymore, I was typing my report in my patrol car.

1 Q But you were still in the driveway, right?

2 A Correct.

3 Q And so you still saw all the other Farmington Hills Police

4 Department cars in the driveway, correct?

5 A Correct.

6 Q And that they were doing whatever they were doing at the

7 scene, correct?

8 A Correct.

9 Q The body had already been left?

10 A I don't believe the body had left at that point, no.

11 Q When did you actually leave, do you recall?

12 A I don't recall the exact time, it was between 11:00 and

13 12:00.

14 Q Do you recall being in your patrol car talking with another

15 officer for a period of time doing the police report?

16 A I probably talked to several officers while I was in my car

17 doing my police report.

18 Q Do you recall making comments about the children's names and

19 not knowing the spelling of the names?

20 A I don't recall that.

21 Q Do you recall talking about how you had been to the scene

22 before and you knew who Bassel was?

23 A I had never been to that scene before.

24 Q You never talked to the other officer about him being on the

25 scene and knowing who Bassel was?

1 A I don't recall that.

2 Q Do you remember the officer talking about how he smelled?

3 A Who smelled?

4 Q The doctor.

5 A You're going to have to rephrase that.

6 Q Do you remember a conversation with the officer in the car

7 as you're filling out the report indicating that you were --

8 that he had been on scene before and that he was upset about

9 how the doctor smelled, do you remember talking about that?

10 A I don't recall any other officer being upset about how

11 Bassel smelled.

12 Q Well, you were in the car filling out reports, correct?

13 A Correct.

14 Q Do you recall that you had a difficult time spelling all

15 these children's names?

16 A Correct.

17 Q And you were talking to this officer about all that,

18 correct?

19 A Again, I don't know which officer you're referring to.

20 Q But do you recall saying, "Oh, I have to be here anyway, I

21 can't get overtime," or something to that nature?

22 A No, I don't recall.

23 Q You never said that?

24 A No. I would have been on overtime anyways because it was

25 outside my regular shift.

1 Q Okay. I'm sorry, the other officer said that. You had to
2 be there because it was your regular shift, right, or --
3 A It was not my regular shift.
4 Q You were on overtime, so --
5 A Correct.
6 Q -- you had no problem staying there, you had indicated on
7 the tape, because you were on overtime, correct?
8 A I would have stayed there regardless if I was on overtime or
9 not.
10 Q But during the conversation you had with this officer did
11 you ever comment about how things didn't seem right?
12 A I don't recall. I remember talking with other officers
13 about what I observed and what they had observed, but I
14 don't --(multiple speakers)--
15 Q What --
16 A -- recall specific conversations.
17 Q What exactly did you do proactively, based upon this hunch
18 of yours, at the scene that morning? Tell me what you did.
19 A I believe I walked through everything I did already, you
20 want me to explain it all again?
21 Q Well, you said you've been involved in a hundred homicide
22 investigations.
23 A I said approximately, yes.
24 Q Okay, and tell me what you did proactively here based upon
25 this psychic hunch that you had that something wasn't right.

1 A I don't think I would describe it as a psychic hunch, but I
2 can go through again what I did if you'd like?

3 Q Well, you said something that it would seem like -- tell me
4 what you did to preserve the scene or somehow investigate it
5 as an officer for approximately -- in Phoenix and in
6 Michigan here for 12 or 13 years, tell me, what did you do?

7 A Yes, Sir. I'll go over it again for you. So when I
8 initially arrived I did my assessment of the body, initial
9 observation of the scene. While I was there I directed the
10 children to bring the fire department back there to continue
11 treating her --

12 Q I'm going to stop you for a second, okay? I appreciate what
13 you did the whole time, I'm asking you specifically, you had
14 this hunch of somehow something was wrong here, and you went
15 outside and you walked around the house, correct?

16 A I'm sorry, you want me to answer --

17 Q Just answer the question.

18 A -- the -- I was trying to answer your question on what
19 specifically I did --

20 Q No, just answer this question then.

21 A Okay.

22 Q Okay? Mr. Skrzynski can ask you whatever he wants on
23 redirect.

24 A Okay.

25 Q You walked around the house, correct?

1 A Correct.

2 Q You saw security cameras, correct?

3 A I did.

4 Q What did you do? You asked a question of a 16-year-old

5 whether they worked, correct?

6 A Correct.

7 Q You never followed up on that, did you?

8 A I explained that to the detectives.

9 Q But did you? You're the one with the hunch here, not the

10 detectives, you're the one that said something doesn't look

11 right, tell me what you did. You saw security cameras, you

12 asked a 16-year-old if they worked and you didn't follow up

13 on that, right?

14 A No, I explained everything to the detectives who were taking

15 over the investigation of the scene. When you're a patrol

16 officer you do the initial investigation, you then pass all

17 the information that you gleaned to the officers who are

18 going to be taking over that investigation, which is what I

19 did, and then you're supposed to author a report, which is

20 also what I did, detailing what you had observed, so I did

21 do --(multiple speakers)--

22 Q (Multiple speakers)--

23 A -- all of those.

24 Q You're also supposed to preserve the scene, what did you do

25 in regards to that?

1 A I didn't allow persons into the areas of the scene that I
2 had control over and then I asked additional officers to
3 respond to make sure that the only people who were in that
4 house did not move freely about the health, and then we also
5 positioned officers at the front of the roadway, but I had a
6 supervisor who had arrived on scene at that point and that
7 supervisor, once you're not the first officer on the scene
8 anymore, and the supervisor arrives, then it's a supervisor
9 who takes over the scene security and controlling it and
10 directs the other officers, including myself, what our
11 specific tasks are going to be, so then at that point --
12 (multiple speakers)--

13 Q So your whole investigation --

14 A -- I was gone by supervisor orders.

15 Q Your whole investigation then with your hunch was walking
16 around the house checking to see if there were window
17 streaks and then passing it off to the other investigators,
18 a fair statement then?

19 A And -- no, I also interviewed both the children who were
20 there and then also went up with the firefighter when he
21 asked to go up there and took a look at the room, so --

22 Q You said you thought this was a homicide, did you read the
23 Miranda warnings to Aya or to Muhammad?

24 A I didn't think it was a homicide.

25 Q Well, you thought something wasn't right.

1 A I didn't know if it was a suicide or if it was an accident,
2 but I couldn't --(multiple speakers)--

3 Q Or a homicide --(multiple speakers)--

4 A -- make the determination either.

5 MR. SKRZYNSKI: Well, objection. I think
6 that counsel's mischaracterizing his testimony. I think his
7 testimony stands as he gave it, regardless of how Mr.
8 Schiano wants to rephrase it.

9 THE COURT: Just ask your questions one at a
10 time and let him answer please.

11 MR. SCHIANO: Thank you, Judge.

12 BY MR. SCHIANO:

13 Q You pass off this investigation after your initial hunch to
14 these other investigators, is that a fair statement?

15 A I passed off when I was -- when they arrived on scene.

16 Q Right.

17 A And then I was later relieved.

18 Q Okay. But you told us before you didn't know if it was a
19 suicide, correct?

20 A Correct.

21 Q You didn't know if it was an accident, correct?

22 A Correct.

23 Q And you didn't know if it was a homicide either, right?

24 A Correct.

25 Q Because you told this Judge a couple minutes ago I went

1 around to see if there was any forced entry because you
2 thought well, it could be a homicide too, right?

3 A At that point, no, I didn't think it was a homicide, it's
4 something that you do on any scene where you have unknowns,
5 you check off your boxes and make sure that you can narrow
6 down what could have potentially happened. So one of those
7 things that you check on any scene where you have a death
8 unknown is, you check around the perimeter for any other
9 evidence, and one of those things would be any forced entry.

10 Q Well, tell me how a suicide or an accident would be that you
11 wanted to check to see if the doors were broken into, how
12 does that follow?

13 A On -- just basically any death unknown where you don't know
14 the cause, at that point you have multiple possibilities,
15 which I didn't know which one of them it was, part of any
16 investigation is being -- trying to be thorough, and part of
17 that would be walking around the house for any other
18 evidence, which could include other windows that have been
19 sprayed. It wasn't just looking for doors and Windows that
20 had been pried, and also looking for any security cameras,
21 which we also did. So there were several things that I was
22 looking for at that point.

23 Q Does the Farmington Hills Police Department have like a
24 technician's unit, like a CSI type of thing?

25 A There's no individual units, no. There's officers who are

1 trained as evidence technicians.

2 Q Did anybody come to the scene that you were aware of and
3 take any fingerprints from that ledge where she fell?

4 A I don't recall what they processed when they got there.

5 Q Did anybody go process around the body to see if there was
6 any evidence on the body?

7 A Again, I was not the one doing it, I'm not sure.

8 Q Well, you are the one that had the initial hunch, did you
9 tell anybody, hey, check to see if there's fingerprints on
10 the ledge?

11 A No. I was the one who responded initially. I could not
12 make a determination as to what occurred, I felt that
13 something was off, and then I pass that information on to
14 the detectives and the detective/sergeant and the patrol
15 sergeant, who were all on scene and who were handling the
16 investigation and who would have called for an evidence
17 technician.

18 MR. SCHIANO: Judge, if I could have just a
19 moment?

20 THE COURT: Certainly.

21 BY MR. SCHIANO:

22 Q Officer, did you file any supplemental reports after your
23 initial report that you filled out on August 21st of 2017?

24 A No, I have not.

25 MR. SCHIANO: Judge, thank you very much.

1 THE COURT: Thank you.

2 REDIRECT EXAMINATION

3 BY MR. SKRZYNSKI:

4 Q As a first responder is your job to conduct a homicide

5 investigation even if you have suspicions about the scene?

6 A No, Sir, it is not.

7 Q Okay. Are there -- do the police work as a team?

8 A Yes, we do.

9 Q And there are -- there are people that do discrete job, is

10 that correct?

11 A Yes.

12 Q You said there are people that are trained in the collection

13 of evidence, are you?

14 A No, I'm not.

15 Q Okay, that's -- did you attempt to collect evidence that

16 morning?

17 A No, I did not.

18 Q Was your purpose in being there and looking around to

19 conduct an investigation, a homicide investigation?

20 A No, I was not.

21 Q What was your purpose in being there that morning?

22 A My purpose, I was the first responder --

23 Q Yes.

24 A -- and I secured the scene as best as possible to render

25 whatever aid as best as possible and then to contact other

1 resources to come in and continue either an investigation or
2 treatment.

3 Q What's your primary concern when you come upon a scene like
4 you did, what was your primary concern?

5 A My primary concern was the treatment of Nada and getting
6 fire personnel and other medical personnel there.

7 Q And when you went upstairs was your purpose to conduct a
8 homicide investigation?

9 A No, it was not.

10 Q What was the purpose?

11 A I was escorting medical personnel because they were still
12 treating her and they wanted to know if there were any
13 additional points of injury or how she could have been
14 injured.

15 Q Okay. So again, your work is focused on the treatment of
16 the victim?

17 MR. SCHIANO: I'm going to object, I think
18 it's been asked and answered.

19 MR. SKRZYNSKI: Well --

20 MR. SCHIANO: It's been asked and answered --
21 (multiple speakers)--

22 MR. SKRZYNSKI: -- I mean, we're getting --

23 MR. SCHIANO: -- redirect, it's not --

24 MR. SKRZYNSKI: -- on this really confused,
25 Judge, because we got a man, a first responder, police

1 officer, who is supposed to be conducting a full
2 investigation, taking fingerprints, collecting evidence,
3 spreading the evidence tape and I'm trying to get out what
4 this man does when he gets to a scene. That's not what
5 first responders do.

6 MR. SCHIANO: Judge, he opened the door that
7 he had this homicide hunch. I cross-examined on it, he's
8 already asked the questions. We're going over the same
9 things over and over again, that's my objection. I
10 apologize.

11 THE COURT: Well, He has a right to go back
12 over what you asked on cross.

13 MR. SCHIANO: He surely does, Judge, but he
14 asked that question for the second time of this officer,
15 that's my objection.

16 THE COURT: Okay.

17 MR. SKRZYNSKI: Fine.

18 BY MR. SKRZYNSKI:

19 Q When you said the name Bassel, who is Bassel?

20 A That's the father of Muhammad and Aya and Sidra and the, I
21 guess you could say estranged husband of Nada.

22 Q Okay, so it's Bassel Al-Tantawi?

23 A Correct.

24 Q Okay. Did you are late to anybody your hunches about this
25 scene?

1 A I explained that I could not understand how her body would
2 have landed --(multiple speakers)--

3 Q To whom did you relate that to?

4 A To Sergeant Haro and to Detective Molloy and
5 Detective/Sergeant Wehby and then the fire official who was
6 up there with me at the same time, we were both going back
7 and forth trying to determine how it could have happened and
8 could not.

9 Q And as far as Wehby, Haro and Molloy are concerned, those
10 are basically your supervisors, correct?

11 A Correct.

12 Q They're the people that took over the scene?

13 A Yeah, either supervisors or the investigators.

14 Q Okay. Now, Mr. Schiano was bringing up something about the
15 fact that Mr. Al-Tantawi smelled, he was talking about that,
16 do you recall any kind of statements like that?

17 A I recall mentioning that he had a strong body odor.

18 Q Did he?

19 A Yes.

20 Q Okay. Did you assign that to the fact that he was any kind
21 of ethnic -- of any ethnic background?

22 A I thought maybe he just hadn't had a chance to shower that
23 morning.

24 Q Okay. Okay.

25 MR. SKRZYNSKI: Thank you, I have nothing

1 further.

2 RE CROSS-EXAMINATION

3 BY MR. SCHIANO:

4 Q Was your memory better for him than for me, because I asked
5 you the same question and you said you didn't remember it.

6 A You asked me if another officer had mentioned that, I don't
7 recall any other officer mentioning that.

8 Q But you were present when the comment was made, weren't you?

9 A I made a comment about an order, yes, Sir.

10 Q So you made the comment?

11 A Yes, Sir.

12 Q Okay, and you had said that he had smelled before, didn't
13 you?

14 A No.

15 Q You never said that?

16 A I had never met him before, I'd never been to the residence
17 before.

18 Q And how long were you in contact with him that day?

19 A A few moments.

20 Q Few moments. Thank you.

21 MR. SKRZYNSKI: Nothing more.

22 THE COURT: All right, thank you, you may
23 step down.

24 MR. SKRZYNSKI: May this witness be excused?

25 THE COURT: I beg your pardon?

1 MR. SKRZYNSKI: May this witness be excused
2 from the courtroom?

3 THE COURT: Is there any reason --

4 MR. SKRZYNSKI: The courthouse.

5 MR. SCHIANO: Judge, there is a potential
6 we're going to have him as a rebuttal witness, only as
7 there's some video that I plan on playing in our case and I
8 will be recalling him.

9 THE COURT: All right, then I guess I'm not
10 going to release you but you do need to have a seat out in
11 the hallway.

12 THE WITNESS: Yes, your Honor.

13 THE COURT: Thank you.

14 (At 9:54:34 a.m., witness excused)

15 MR. SKRZYNSKI: Thank you, your Honor. At
16 this time People call --

17 MR. SCHIANO: Judge, can we have like a five
18 minute break? I apologize, I --

19 MR. SKRZYNSKI: Yeah, sure.

20 MR. SCHIANO: -- I drank too much coffee this
21 morning. I apologize.

22 MR. SKRZYNSKI: I'm with you, man.

23 MR. SCHIANO: Two older guys have to --

24 MR. SKRZYNSKI: No, Judge, I have no
25 objection whatever to that.

1 MR. SCHIANO: I'm sorry.

2 THE COURT: If you need a break, go ahead.

3 MR. SCHIANO: Thank you.

4 MR. SKRZYNSKI: Thank you.

5 MR. SCHIANO: Judge, can I see Mr. Skrzynski

6 just for a second on a non-issue for the hearing?

7 THE COURT: Certainly.

8 (Bench Conference held from 10:00:28 a.m. to

9 10:02:40 a.m.)

10 THE COURT: All right, call your next

11 witness, Mr. Skrzynski.

12 MR. SKRZYNSKI: At this time the people call

13 Ryan Molloy. Detective Ryan Molloy.

14 MR. KEAST: Yeah, come up for advancement.

15 MR. MOLLOY: Yeah.

16 THE CLERK: Sir, please raise your right

17 hand. Do you solemnly swear to tell the truth, the whole

18 truth and nothing but the truth?

19 MR. MOLLOY: I swear.

20 RYAN MOLLOY

21 (At 10:02:56 a.m., witness sworn, testified as follows):

22 THE CLERK: Okay, you can pull the door close

23 toward you, watch your step.

24 THE WITNESS: Thank you.

25 THE CLERK: You may be seated.

DIRECT EXAMINATION

1
2 BY MR. SKRZYNSKI:
3 Q Would you state your name please, Sir, and spell --
4 A Sure.
5 Q -- your last name?
6 A It's Ryan, R-Y-A-N, last is Molloy, M-O-L-L-O-Y.
7 Q Okay, what is your occupation, Sir?
8 A I am a detective with the Farmington Hills Police
9 Department.
10 Q How long have you been a detective?
11 A I have been a detective about five and a half years.
12 Q And before that were you -- did you work for the Farmington
13 --
14 A Yes. Yep, I was a patrol officer.
15 Q For how long?
16 A About six years.
17 Q And that was all with Farmington Hills?
18 A Yes, Sir.
19 Q Did you work at any other police forces?
20 A No.
21 Q Okay. I just want to point out the -- well, let me just ask
22 you this, do you recall the date of August the 21st, 2017,
23 do you recall that date?
24 A I do.
25 Q Were you dispatched at that -- some point to a house, an

1 address?

2 A Yes, I was.

3 Q All right, how did that happen?

4 A I was at the station, I arrived at approximately 7:00 a.m.
5 that day to start my shift. I was notified by the sergeant
6 in charge of B squad that the patrol bosses were on scene,
7 or -- they were either on scene or they were on the way to a
8 death investigation and they were requesting that a
9 detective to respond as well.

10 Q Did you get any other details?

11 A He said just that there was -- appeared to have fallen out
12 of a window and that was really all they had at that point.

13 Q So did you go to an address?

14 A Yes.

15 Q Was that 36933 Howard Road in Farmington Hills?

16 A Yes, it is.

17 Q Okay, what happened when you got there? Well, first of all,
18 are you -- how are you dressed?

19 A How am I dressed?

20 Q Yes.

21 A Usually in some sort of khaki pants, a Polo.

22 Q All right, so you're in plain clothes?

23 A Yes.

24 Q Are you driving a marked car?

25 A No, Sir.

1 Q Okay. Did you come to the scene by yourself?

2 A I did.

3 Q All right, what happens?

4 A I arrived on scene, Officer Jordan was there and Sergeant

5 Haro was there and they kind of briefed me on the situation,

6 and then they walked me back towards the west side of the

7 house, the patio where the body was.

8 Q Okay. And what did you see?

9 A I saw the -- what appeared to be a body laying on the patio

10 covered in a sheet and there was some medical equipment

11 around.

12 Q Was -- at that point was the medical examiner on the scene?

13 A No.

14 Q That examined -- investigator?

15 A No, there wasn't.

16 Q Was there fire personnel there?

17 A I think the fire personnel were actually leaving as I was

18 pulling in.

19 Q Okay.

20 A So I don't remember. I think I passed some of them as I was

21 walking --(multiple speakers)--

22 Q I see. So there was -- did you come to know that that --

23 the person lying on the patio was Nada Huranieh?

24 A Yes.

25 Q Okay. That person had been pronounced dead?

1 A Yes.

2 Q Okay, you were aware of that?

3 A Yeah, that was part of the brief that Officer Jordan and

4 Sergeant Haro gave me.

5 Q All right, so the -- Ms. Huranieh was underneath a sheet,

6 what happened then?

7 A I was advised that the medical examiner had already been

8 contacted and that the -- her husband was on the way. He

9 had already been called as well. I kinda took a look at

10 the, you know, the entire surrounding, kinda the patio, the

11 window above --

12 Q What about the window above?

13 A They just kinda pointed out, like this -- obviously, this is

14 where she -- we believe she came out of.

15 Q Well what did you notice about that window?

16 A There was no screen in the window.

17 Q Was it open or closed?

18 A The window was open.

19 Q Okay.

20 A They also pointed out what appeared to be a def -- or an

21 indentation in the -- an overhang just below the window.

22 Q Okay, on the ledge?

23 A Yeah. We call it a --(inaudible).

24 Q When you -- did you -- was the sheet removed from the body?

25 A At that time, no.

1 Q Okay, go ahead.

2 A You know, Officer Jordan and I spoke about it, Sergeant Haro
3 and I spoke about it, just kind of the overall -- overall
4 scene. At some point officer -- you know, they did point
5 out the security cameras. I remember walking around the
6 house with Officer Jordan, located several other security
7 cameras and checked the doors and, you know, like he said,
8 check for any sign of forced entry.

9 Q Okay. And did you find anything?

10 A No.

11 Q Okay. What happened then?

12 A Officer -- also during our conversation Officer Jordan did
13 tell me that he had spoke to both of the children already,
14 kinda gave me very brief summary of what they told him.
15 Shortly after I arrived Bassel Al-Tantawi had arrived on
16 scene and I spoke with him with Sergeant Haro.

17 Q All right. What happened?

18 A We told him -- we told him that she was deceased. We were
19 standing up in the driveway, like right outside of the
20 garage, remembered he -- you know, he had a pretty big
21 reaction to it. You know, and he did -- he ended up wanting
22 to -- he wanted to see her.

23 Q What do you mean he wanted to see her?

24 A He wanted to see the body.

25 Q And what happened after he wanted that?

1 A I told him we would make arrangements for that. I don't
2 know exactly when I walked him back there, but I know I did
3 like go over there and talked to people who were coming
4 first and, you know, we weren't gonna obviously let him
5 right there, but he wanted to just see it, so at some point
6 we did walk him over there.

7 Q Okay.

8 A Had a conversation with him. You know, he agreed that he
9 could take the kids for a while, he understood that he was
10 on probation. You know, I asked him if we could conduct an
11 investigation.

12 Q Well, before -- I mean, how long of a conver -- where did
13 you have this conversation?

14 A Which -- I guess which one?

15 Q Well, you said he was on probation you said?

16 A Yeah, he told us he --

17 Q When did he tell you that?

18 A I think -- I had already known that but he kinda -- he said
19 -- you know, I'm -- he mentioned he's a very fast talker
20 sometimes and he mentioned he mentioned he wasn't supposed
21 to be there, I told him that I'd handle -- we would -- we
22 would talk about that. You know, I -- I knew that he wasn't
23 supposed to be there, and then we were actually standing at
24 the top of the driveway kinda where it turns. It's not the
25 very top but like where it turns into the garage. I

1 remember when we told him he actually fell -- not like fell
2 over, but he kinda leaned over and was like bracing himself
3 against the car that was parked inside of the garage.

4 Q Okay. I want to show you -- well, I think -- I've marked
5 that as Exhibit 12.

6 MR. KEAST: It's 12.

7 MR. SKRZYNSKI: Yeah, these are coming in out
8 of order.

9 THE COURT: That's fine.

10 BY MR. SKRZYNSKI:

11 Q All right, I want to just show you Exhibit number 12. Do
12 you recog -- can you see it from you're sitting?

13 MR. SCHIANO: Judge, I have no objection if
14 that's marked and received into evidence.

15 MR. SKRZYNSKI: Okay --

16 THE COURT: All right.

17 MR. SKRZYNSKI: --(multiple speakers). Thank
18 you very much. Okay. All right.

19 BY MR. SKRZYNSKI:

20 Q Okay, and you under -- I'm sorry.

21 THE WITNESS: A little tight there.

22 MR. SKRZYNSKI: (Inaudible). Thank you. All
23 right, court can see it?

24 THE COURT: Yes, I can see it. Thank you.

25 BY MR. SKRZYNSKI:

1 Q All right. Now, what is that?

2 A That is the floor plan for the first level of the house.

3 Q Okay, and there's a level underneath it?

4 A Yes.

5 Q And a level above it?

6 A Yes, Sir.

7 Q Okay. Now, when you were having a conversation with -- it

8 was Mr. Al-Tantawi?

9 A Sure.

10 Q Okay.

11 A Yes, and Sergeant Haro.

12 Q Where were you -- where were you?

13 A We were standing outside of the house on the garage.

14 Q And can you just step up there and --

15 A Sure. Absolutely.

16 Q -- check it out?

17 MR. SKRZYNSKI: Is it okay if he does that?

18 THE COURT: Yes, absolutely.

19 THE WITNESS: All right, thank you.

20 We were about right in here.

21 BY MR. SKRZYNSKI:

22 Q You have to move so the Judge can see you.

23 THE COURT: Thank you.

24 BY MR. SKRZYNSKI:

25 Q All right. (Undecipherable).

1 A Okay.

2 Q Okay, so that's where that conversation occurred?

3 A Yes, Sir.

4 Q And then in order to get to the -- where the -- not his body

5 was, you had to walk around the house, around the front of

6 the house?

7 A Yes.

8 Q And then up on the other side -- if -- which way is north on

9 that?

10 A North is actually down.

11 Q Down, okay.

12 A Yes.

13 Q Okay, so the west -- the left -- the right side of -- to

14 you, the right side of the diagram is actually the west, is

15 that correct?

16 A That is correct.

17 Q Okay, thank you. All right, so when you were having this

18 conversation by the garage did he tell you anything else?

19 A I mean, we had -- I don't know specifically. I mean, we had

20 a pretty -- pretty long conversation about, you know...I

21 don't remember all the specifics of it, I'm sorry.

22 Q All right. Did he tell you anything about the garage

23 itself?

24 A Oh, yeah. I asked who had keys, who had keys to the house,

25 if he had a key to the house, he said he believed that he

1 did. He told me that because of the probation that he
2 hadn't been at the house in over a year and that even when
3 he was living there they never used the keys, they always
4 entered through the garage.
5 Q Was there -- were there doors on the front of the garage?
6 A Yeah, three garage doors.
7 Q All right, and --(multiple speakers)--
8 A (Multiple speakers).
9 Q -- where is the front of the garage, just --
10 A Actually, it faces out east.
11 Q Okay, so that garage is facing out east, right?
12 A Yes.
13 Q All right --
14 A So you pull in --
15 Q -- and the doors --
16 A -- from that way.
17 Q -- the doors are on the east side then?
18 A Yes, Sir.
19 Q All right. And he said that -- was there a door inside the
20 garage that led into the house?
21 A Yes.
22 Q Okay, and he said that they would -- they would use that
23 door?
24 A Yes.
25 Q All right. Did you ask him anything else?

1 A Sure, we talked about just that, you know, in the
2 conversation with Jordan and Haro that, you know, this was
3 - like he said, there's no -- it's not a natural death, it's
4 not a obvious suicide, so it was kind of suspicious, so I
5 asked him if we could conduct an investigation.

6 Q By investigation what do you mean?

7 A Going in the house, take a look around, see any signs of,
8 you know, anything possibly criminal, take photographs,
9 collect evidence.

10 Q All right, and what did he say?

11 A He said he didn't have a problem with that.

12 Q Okay. And again, that was in this conversation outside the
13 garage?

14 A Yeah.

15 Q All right, so what did you do then?

16 A I advised the other people, the other officers on scene,
17 sergeant, my -- Sergeant Wehby had arrived at that time,
18 Detective Hammond was also arrived, and then myself,
19 Detective Wehby and -- or, I'm sorry, Sergeant Wehby and
20 Detective Hammond conducted a walk-through of the house.

21 Q All right. Your desire to do that was based on what facts?

22 A Based on she's deceased. We have -- you know, she fell out
23 of a -- you know, it was reported to us that she fell out
24 the window. Again, the orientation of the body. I found it
25 also, not suspicious, just something that alarmed me was the

1 lack of blood.

2 Q Why did that alarm you?

3 A I would assume that if somebody fell that there would be --

4 MR. SCHIANO: Objection, again, Judge, unless
5 we have some foundation as to his expertise on this I would
6 object --(inaudible).

7 THE COURT: Well, lay a foundation please.

8 BY MR. SKRZYNSKI:

9 Q Have you -- have you investigated falls before?

10 A Honestly, no, I have not.

11 Q Okay. But your -- what you're thinking here now is, what
12 are you -- are you thinking about this based upon your own
13 experience or on something else?

14 MR. SCHIANO: Judge, I'm sorry, he doesn't
15 have it, I don't -- he can try as hard as he can but he just
16 said he's never seen this before in his job so I would
17 continue my objection.

18 MR. SKRZYNSKI: Well, he testified that he
19 was alarmed at those things and I'm trying to get to the
20 facts that underlie why he's alarmed at this.

21 THE COURT: Okay. Well, I --

22 MR. SKRZYNSKI: I mean, it's --

23 THE COURT: -- suppose you could just ask him
24 why he would be alarmed that there was no blood.

25 THE WITNESS: I would say that if somebody

1 fell out of a window that they would sustain some sort of
2 injuries.

3 BY MR. SKRZYNSKI:

4 Q That was your own assumption?

5 A Yes.

6 Q Okay.

7 MR. SCHIANO: Continue my objection, Judge,
8 I'm sorry.

9 THE COURT: Thank you.

10 BY MR. SKRZYNSKI:

11 Q And then what? So what did that lead you to believe?

12 A That it was -- that it's a possibility that there is
13 something else involved.

14 Q Okay, and how were you going to find out if there was some
15 other possibility involved? Were you going to?

16 A Yeah.

17 Q What were you gonna do?

18 A We were conducting an investigation.

19 Q Is that why you asked --

20 A Yes.

21 Q -- Bassel -- okay. So at that point you, Officer Wehby,
22 Officer Hammond walked through the house?

23 A Yes.

24 Q What happened?

25 A We went to the second floor, I believe they call it the

1 guest bedroom where the window was opened and, you know,
2 kinda took a look around. You know, we saw the ladder in
3 front of the window, the Tilex bottle, kinda took a look
4 outside. We were able to see the stucco from that point,
5 and just kinda -- then we ended up taking a walk around the
6 rest of the house, just kinda making sure it was secure,
7 looking for anything that might be suspicious or alarming or
8 anything like that.

9 Q Well, what went through your mind when you saw this set up
10 in that guest room?

11 A Again, it just didn't -- there was nothing outright that
12 said, hey, this is a homicide, but it just -- just didn't
13 sit right.

14 Q Why? What things about it did not sit right?

15 A Well, as we were talking and kinda the Tilex, you know, I
16 clean -- you know, I've cleaned a lot of windows in my day,
17 you know, I'd never used Tilex, so that was suspicious right
18 off the bat. I don't know why -- why someone would be up
19 at, you know, 6:00 in the morning or before that cleaning a
20 window. Just that. The ladder placed directly in front of
21 the window. Again, these are all assumptions, but you're
22 standing in front of it, you know, it was kinda like if
23 you're falling out of a window you think you probably would
24 knock that letter over.

25 MR. SCHIANO: Judge, again, I'm going to --

1 (inaudible)-- speculation. This is all just speculation.

2 MR. SKRZYNSKI: Judge, I asked him what was
3 going on in his mind, the things that he saw that led him to
4 ask to look through the house. And whether those things are
5 valid or not, those are the things that went through his
6 head that caused him to request permission from the doctor,
7 or Mr. Al-Tantawi, to search the house, to look through the
8 house, to which Mr. Al-Tantawi said fine. So, I'm just
9 getting -- I'm trying to flesh (ph) that out with underlying
10 facts that he observed. Whether they're right or wrong,
11 it's what he observed which caused him to want to go
12 further.

13 MR. SCHIANO: Judge, quite frankly, he's
14 entitled to testify as to what he did but his beliefs I
15 don't think are relevant to this case, just because he
16 believed something, it's not relevant. He can testify as to
17 what he did, what he observed and how he proceeded, but just
18 because he believes that he never used Tilex before is not
19 relevant.

20 MR. SKRZYNSKI: I don't see how a person's
21 reason for doing something is irrelevant, especially when
22 you're a detective.

23 THE COURT: Overruled. Go ahead.

24 MR. SKRZYNSKI: Thank you.

25 THE COURT: Proceed.

1 BY MR. SKRZYNSKI:

2 Q All right. So, you said that when you went to all this, the
3 Tilex, the position of the letter, the fact nothing was
4 knocked over you said?

5 A Yes.

6 Q Okay, did you look out the window?

7 A Yes.

8 Q And did you see what was in -- that --

9 MR. SKRZYNSKI: Judge, I'm kind of at a
10 disadvantage not to have those exhibits, can I -- or do you
11 want to keep them up there? I'm -- I don't know which
12 exhibit it was. I can show it to you.

13 THE COURT: Oh, here.

14 MR. SKRZYNSKI: Just so I can refer to them.

15 THE COURT: I can just give him the exhibits
16 there.

17 MR. SKRZYNSKI: Yeah.

18 THE WITNESS: Thank you, Judge.

19 THE COURT: No problem.

20 BY MR. SKRZYNSKI:

21 Q Just -- I just want you to refer to the -- go ahead. Can
22 you just refer to the room, the picture of the room?

23 A Sure.

24 THE COURT: Sure. Yeah, go ahead. I mean, I
25 can --

1 BY MR. SKRZYNSKI:

2 Q Yeah, and there's a picture in there. There's a picture of
3 the room inside the room.

4 A Oh.

5 Q Okay, I don't know which number it is.

6 THE COURT: It's number 5 or 6 I think.

7 THE WITNESS: Yep. Exhibit 5.

8 THE COURT: Yeah.

9 BY MR. SKRZYNSKI:

10 Q All right, so those of the things you're looking at that
11 caused you to some -- to have some alarm you said?

12 A Yes.

13 Q Okay. All right, so you're walking around, you're walking
14 around the house and what happens?

15 A As far as we'd walk around, we'd check the rest of the
16 rooms, the basement, we walked through the whole house and
17 at some point we -- I did notice that --(undecipherable)-- o
18 the main floor at the right -- right outside the garage, the
19 door leading from the garage on the house, I noticed there
20 was an alarm panel, so I noticed that it didn't have any
21 power to it though. It wasn't -- none of the lights were
22 lit up, the LED -- the LCD screen was blank.

23 Q Okay.

24 A It didn't appear to be working.

25 Q All right.

1 A And there was no company name listed. Most of the time they
2 have like some kind of company. So I didn't believe that
3 was operational.

4 Q Okay. What else happened?

5 A I think by that time the evidence technicians were already
6 on scene, so they were getting ready to take pictures and,
7 you know, collect any evidence, and then shortly thereafter
8 the medical examiner and the -- arrived on scene.

9 Q Now, when you say the medical examiner, you don't mean the
10 actual medical --(undecipherable)?

11 A No, an investigator with the medical examiner's office.

12 Q Okay. And what happened there?

13 A They remove the cover from Nada and they took photographs,
14 and we also took photographs, our evidence techs took
15 photographs at that time as well.

16 Q All right. And did they remove the body from the scene?

17 A Yes.

18 Q Okay. What happens then?

19 A I notified -- before they were taking the body, and one of
20 the conversations I had with Mr. Al-Tantawi beforehand, he
21 advised me that he didn't want the kids to see that so I
22 actually went in the house as they were doing that to kind
23 of let them know that that was happening and moved the kids
24 away from any windows or any area they'd be able to see that
25 from.

1 Q Okay. And that's when they removed the -- Ms. Huranieh's
2 body?

3 A Yes.

4 Q Okay. So you basically comply with his desires, did you
5 not?

6 A Yes.

7 Q All right. Did you ask any questions of him or anybody else
8 about those surveillance cameras?

9 A Yes. I asked --

10 Q Who did you ask?

11 A I asked -- I asked Muhammad if they were working, you know,
12 a very brief conversation, he told me he didn't want to talk
13 to me -- he didn't want to talk right now, and then I asked
14 Bassel and he said he didn't -- he didn't believe that they
15 were working either.

16 Q Okay. Mr. Al-Tantawi said --

17 A I'm sorry, yes. Yes, Sir.

18 Q Okay. So what happens then?

19 A It was shortly after that the -- Mr. Al-Tantawi had left
20 with the children.

21 Q All right. And what happened then?

22 A Like I said, I mean, I actually left -- ended up leaving the
23 scene shortly after them to start reports and things like
24 that.

25 Q Okay. Was any evidence collected that day during that walk-

1 through?

2 A Yes, there was.

3 Q Didn't go through -- do you know what was collected?

4 A Specifically, I can't remember what was collected at that

5 time. I wasn't part of the evidence collection.

6 Q Okay. All right, so did you leave the scene eventually?

7 A Yes.

8 Q All right. Did you make any comments to Mr. Al-Tantawi, you

9 know, while -- before he left with the kids about the

10 investigation?

11 A Yeah, I told him that it was ongoing and that I would be in

12 touch with him.

13 Q Okay. Now, at that point where do you go?

14 A Back to the station.

15 Q Back to where?

16 A Back to the station.

17 Q Okay, and what do you do there?

18 A Started writing report. I was contacted -- as I walked in I

19 was told by the front desk that they had received phone

20 calls from the tether company that he had violated the

21 tether and then I called his probation officer to speak to

22 her about his violation of the -- entering the exclusion

23 zone.

24 Q And what happened then? Did you have that conversation?

25 A Yeah.

1 Q And what happened during that conversation?

2 A Then I just told her that he was -- he was called there by
3 the responding officers in order -- you know, they're
4 conducting an investigation, we need to turn the kids over
5 to him.

6 Q Okay, and did you do anything further about that?

7 A We actually requested her to obtain the tether points to
8 actually show that, you know, it was working at the time and
9 where he was and where he's, you know, coming from I guess.

10 Q Did you ask her about any violations before the time he
11 showed up to get the kids?

12 A Yeah. Yep, I made sure that he had and entered that area --

13 Q And he had not?

14 A No.

15 Q All right. So only when he came to get the kids is that's
16 when he --

17 A Yes.

18 Q All right. So what else happened, was that it for the day?

19 A I -- no, I received several phone calls.

20 Q From whom?

21 A Different members of the community, friends of Nada. There
22 were several phone calls. One was -- she claimed to be
23 Nada's lawyer or her attorney.

24 Q All right, well did you answer those phone calls?

25 A Yes.

1 Q Okay, and then that was it for the day?

2 A Yeah.

3 Q All right. Now I want to point out the next day, August the
4 22nd.

5 A Yes.

6 Q All right. Now, when you first went over there on the 21st
7 you didn't arrest the defendant --

8 A No.

9 Q -- by the way, the defendant's in the courtroom today?

10 A Yes.

11 Q Okay, and he's wearing what color?

12 A Blue.

13 MR. SKRZYNSKI: Okay, let the record reflect
14 he's identified the defendant.

15 MR. HART: Wait a minute, I'm wearing blue
16 to.

17 MR. SCHIANO: Me too I guess, but.

18 MR. SKRZYNSKI: Well --

19 THE WITNESS: Blue jumpsuit.

20 MR. SKRZYNSKI: What's that?

21 THE WITNESS: It's a blue jumpsuit.

22 MR. SKRZYNSKI: Okay.

23 THE COURT: All right. Yes, the record will
24 so reflect. Thank you.

25 MR. SKRZYNSKI: Thank you.

1 THE COURT: Let's move on.

2 BY MR. SKRZYNSKI:

3 Q All right. The next day you came into work?

4 A Yes, Sir.

5 Q About what time?

6 A Approximately 7:00 a.m.

7 Q Okay, what happens?

8 A Kinda going about regular business and at some point, you
9 know, we're talking about the case and at some point I get
10 called by -- her name is Ms. Rheam (sp), and she advised us
11 that she was the interior decorator when they had actually
12 purchased the house to help decorate it, and she said that
13 even if they hadn't -- she had talked to the company who put
14 in the -- or, I don't know if it was put in or updated, the
15 surveillance system, but that she was sure -- she had spoken
16 with them and she assured me that it would actually be
17 working even if they hadn't -- unless they had unplugged it.

18 Q So she said she had called the company that installed it and
19 they told her and then she told you?

20 A Yes. She was already familiar that it was there because she
21 was the decorator for the house --

22 Q Okay.

23 A -- and she uses a company.

24 Q All right, so what do you do?

25 A I --

1 Q After you heard that what did you -- did you formulate a
2 plan?

3 A Sure. I went in, I talked to my boss.

4 Q Who's your boss?

5 A Sergeant Wehby.

6 Q Okay.

7 A And I advised him, you know, we kinda went over, hey, this
8 seems like -- you know, might actually be on video, so he
9 told us, you know, we were going -- myself and Detective
10 Hammond were already going to go respond out there so he
11 agreed that that's what we should do. I called up Bassel --
12 I'm sorry, Mr. Al-Tantawi, I called him up and asked him if
13 he was at the house and if I could come by and talk to him.

14 Q What'd he say?

15 A He said, "Sure, come on over."

16 Q All right, so what happens?

17 A Detective Hammond and I respond.

18 Q All right. Let me ask you this, this is Jason Hammond?

19 A Yes.

20 Q Okay, it's H-A-M-M-O-N-D?

21 A Yes.

22 Q All right, and what are you both wearing that day?

23 A The same thing as the day before, dress slacks and Polos.

24 Q Okay, neither are in uniform?

25 A No.

1 Q When you come what kind of a car do you come in?

2 A Plain clo -- or an unmarked Impala.

3 Q Okay. Do you have weapons?

4 A Yes.

5 Q Where are they?

6 A On my hip.

7 Q And are those visible?

8 A You pull the Polo out over top of it, so I mean, it is -- if
9 you know what you're looking for, yes, you can definitely
10 see that there's something there, but --

11 Q You can see something was there?

12 A Yes.

13 Q All right, but did you -- did you exposure weapons when you
14 went in there?

15 A No.

16 Q Did you brandish them?

17 A No.

18 Q Okay.

19 THE COURT: Mr. Skrzynski, I'm sorry, I have
20 to pause, it's bench warrant time for me.

21 MR. SKRZYNSKI: Oh, sorry.

22 THE COURT: So, that's quite all right. I
23 have to do my bench warrants and then we'll resume, so.

24 MR. SKRZYNSKI: Thank you.

25 THE COURT: Okay?

1 MR. SKRZYNSKI: Sure.

2 THE COURT: You may step down.

3 THE WITNESS: Can I step down, your Honor?

4 THE COURT: Yes.

5 THE WITNESS: Thank you.

6 THE COURT: Absolutely.

7 MR. SKRZYNSKI: Judge, can you give us some

8 idea about how long it will be?

9 THE COURT: I have four of them, not more

10 than 10 minutes.

11 MR. SKRZYNSKI: Okay.

12 THE DEPUTY: He's got to use the restroom.

13 THE COURT: Go right ahead then, take him

14 down and then bring him back up, okay?

15 MR. SCHIANO: Can we leave our stuff?

16 THE COURT: Yes, you can leave your things

17 there. You don't have to move those.

18 (At 10:31:35 a.m., hearing recessed)

19 (At 10:45:15 a.m., hearing resumed)

20 THE COURT: You can retake the witness stand.

21 He's being brought up. That's what we're waiting for, he's

22 being brought up. We're not gonna proceed without him here.

23 THE CLERK: Your Honor, recalling People

24 versus Al-Tantawi, case number 2017-265355-FJ.

25 MR. SKRZYNSKI: John Skrzynski here for the

1 prosecutor.

2 MR. KEAST: Thank you, Marc Keast on behalf
3 of the People.

4 MR. SCHIANO: Michael Schiano on behalf of
5 the defendant.

6 MR. HART: Marc Hart on behalf of defendant.

7 MR. SKRZYNSKI: Your Honor, before we begin I
8 just wanted to bring up some housekeeping matters that I
9 mentioned to Mr. Schiano too, that the sequestration order
10 that the court ordered, I want to make sure that that's a
11 mutual sequestration that applies to both defense and the
12 People's witnesses.

13 Secondly, it just came to my attention there
14 may be some communication going on between people in here
15 who are outside. I would ask that the court inform the
16 gallery that they shouldn't be having any conversations,
17 written or oral, with witnesses sitting outside regarding
18 what's going on inside the courtroom. If the court would
19 instruct just the general gallery I would appreciate it.

20 MR. SCHIANO: Judge, I've instructed anybody
21 associated with my case not to have any contact with any
22 potential witnesses that are here.

23 THE COURT: Yes, and let me make it clear,
24 that if you're sitting in this courtroom that there's to be
25 no discussion about what's being said in this courtroom

1 outside with the people that are sitting out there. That
2 goes to everybody. And that means you do not take notes and
3 pass them.

4 MR. SKRZYNSKI: Thank you, your Honor.

5 THE COURT: Thank you.

6 MR. SKRZYNSKI: All right.

7 BY MR. SKRZYNSKI:

8 Q Detective Molloy, you said that you had -- last you left off
9 it was now August the 22nd, the following day -- by the way,
10 the defendant was not arrested on the 21st, was he?

11 A No.

12 Q And the evidence that was seized, the Tilex and the rag,
13 that was down by the body, is that correct?

14 MR. SCHIANO: Objection, Judge, that's
15 leading.

16 THE COURT: I'm sorry?

17 MR. SCHIANO: That's leading.

18 MR. SKRZYNSKI: Well, Judge, I mean, it's a
19 foundational thing.

20 THE COURT: There's no jury, go ahead.

21 MR. SKRZYNSKI: Yeah.

22 BY MR. SKRZYNSKI:

23 Q So did you come to know that the evidence that was seized
24 the day before was Tilex, a bottle of Tilex that was on a
25 ladder and the cloth that was lying on the patio next to the

1 victim?

2 A Yes, I did. I reviewed Detective Jordan's report.

3 Q And that was it?

4 A And the ET reports, so.

5 Q Yeah, so that was all the evidence that was taken?

6 A Yes.

7 Q Okay. Now, on the 22nd, the following day now, you said you

8 had called Mr. Al-Tantawi, told him that you would like to

9 come over and he said come on over, so you go there and you

10 established your in plain clothes, you have weapons which

11 are concealed under your shirt and that you're driving an

12 unmarked car?

13 A Yes, Sir.

14 Q All right. When you get there what happens? And you're

15 with Detective Hammond who's dressed in the same manner?

16 A Yes.

17 Q All right, what happens?

18 A We knocked on the door, Mr. Al-Tantawi came to the door, we

19 spoke to him, I advised him that I had received some

20 information that the surveillance system was possibly

21 working during this time and if it were I'd like to at least

22 -- we would like to take a look at it and see if it was

23 operational during the time of the incident.

24 Q Did he respond to you?

25 A Yeah, absolutely.

1 Q What'd he say?

2 A He said, "Sure, go ahead." He even -- he said he didn't
3 know where it was that. Again, he didn't think that it was
4 working. Then he kind of led us through the house into an
5 area that he believed that he -- that it would be, and that
6 was in the basement kinda underneath the stairs. There's a
7 room, I don't know what they would call it, but it's kind of
8 like a -- I don't know, it would be a closet I guess and
9 there was just like systems, operational systems for I
10 believe the cable TV and the Internet and things like that.

11 Q What specifically were you looking for?

12 A A DVR system.

13 Q And would you explain what a DVR is?

14 A A digital video recording system.

15 Q Okay, that would be --

16 A It looked like maybe a DVD player or a blue ray player. It
17 has cords coming out of the back that hooked up to cameras.

18 Q Okay, and that would be recording the cameras?

19 A Yes.

20 Q Okay. Did he understand that?

21 A Yeah.

22 Q Okay. So, you go down to the basement first, there's
23 nothing there, there some equipment but not that --

24 A There's equipment, but yeah, it didn't appear to be what we
25 were looking for, no.

1 Q What happens then?

2 A I remembered during the walk-through I saw some like older

3 equipment in a closet upstairs.

4 Q The walk-through meaning the walk-through on the previous

5 day?

6 A Yes. Yep, on the previous day.

7 Q You had seen some equipment in a closet upstairs?

8 A Yes.

9 Q So what happened?

10 A We went up there --

11 Q Well, did you mention that to him?

12 A Yes.

13 Q And what --

14 A I did, yes.

15 Q -- what did he say?

16 A He said, "Okay, you can go check that out."

17 Q Did he go with you?

18 A Yes, he went with us. He was actually leading -- he led us

19 there.

20 Q He's walking ahead of you?

21 A Yeah.

22 Q And he's not under guard or arrest or anything like that?

23 A No.

24 Q All right, this is his house?

25 A This is his house, yeah.

1 Q Okay, so you go up there and what happens?

2 A I find that closet, I -- again, that -- we opened up, that's

3 not the equipment we're looking for, that's not even plugged

4 in. It seems to be an old DVR system, or an old recording

5 system for the surveillance.

6 Q At that point what happens?

7 A I ended up calling Ms. Rheam and --

8 Q And Ms. Rheam is?

9 A The person who called, the interior decorator --

10 Q Okay.

11 A -- who advised me that they would -- she believed it would

12 be working, and she actually provided me with the phone

13 number of the company that installed it.

14 Q And what did you do?

15 A I contacted the company. I was -- I don't know if it was

16 his personal phone or it was the company phone number, but I

17 spoke to a Chris, I believe it's Edmond (sp) --

18 Q Mm-hmm.

19 A -- and he told me exactly where I would be able to find it.

20 He said it was -- the DVR system was in a closet in the --

21 in the workout room on the second floor.

22 Q Okay. And that's where you were?

23 A We were just outside of there.

24 Q Okay, that's where you had found this equipment that wasn't

25 operating?

1 A Correct, the older and operable.

2 Q So what happened then?

3 A Then the entire room was a closet so I actually had -- he

4 said --

5 Q Well, go ahead, I'm -- did you -- did you instruct Mr. Al-

6 Tantawi what you had -- the conversation --

7 A Yeah. Yep, he was standing right there the whole time. I

8 said, okay, I was told that it was in here, I was looking --

9 I was actually looking around as I had the guy on the phone

10 still. The whole room is lined with closets, and then he

11 stopped me and he said, "No, it's actually -- it's in like a

12 furnace room that's attached to that room."

13 Q And where was Mr. Al-Tantawi when this was going on?

14 A Standing right by us, by Detective Hammond and I.

15 Q Did he object to anything?

16 A No, Sir.

17 Q Okay, what happened?

18 A I opened the furnace room and I located the DVR system, the

19 recording system sitting on a little table, like kinda

20 tucked away back behind the furnace.

21 Q All right, what happens then?

22 A I asked the guy what do I need to do to --

23 Q What guy?

24 A The -- Chris Eglin (ph).

25 Q The guy on the phone?

1 A The guy in the phone, how do I -- what is this? He kinda
2 explained the system to me. It's an overriding system which
3 means that as it keeps playing it just rewrites over itself.
4 Q Okay.
5 A So that -- it would need to be unplugged in order to stop
6 that process.
7 Q All right.
8 A So I, you know, thanked him, I hung up the phone, I
9 explained to Mr. Al-Tantawi that it was -- that the guy that
10 told me if there's lights on the system that it was probably
11 working. I explained to him that we'd like to take it and
12 review it. We had a conversation about it and he said,
13 "Fine."
14 Q Now, before you had that conversation did you do anything?
15 A Did I do -- I took out my phone and I recorded the
16 conversation with him.
17 Q Did you -- this is in the exercise room, or --
18 A Yeah --
19 Q -- before --
20 A -- we're kinda standing -- we're kinda standing in the
21 exercise room with the door open to the furnace room.
22 Q Is Detective Hammond there too?
23 A Yes.
24 Q Just the three of you?
25 A Yes.

1 Q Are any of your weapons drawn?

2 A No.

3 Q Okay. What kind of tone are you using?

4 A Friendly tone. Mr. Al-Tantawi was extremely friendly and,
5 you know, cooperative with the entire investigation.

6 Q Why did you take the phone out and decide to record it?

7 A Just because we were getting consent to take something from
8 his house.

9 Q Okay. And he did give you the consent?

10 A Yes.

11 Q All right.

12 MR. SKRZYNSKI: Your Honor, at this time I
13 have People's Exhibit number 9 and 10, and I think number 9
14 is the -- a DV of a -- part of that exhibit that he just
15 mentioned and that Exhibit number 10 is the transcript, and
16 that would be the -- the DV of the consent that he just
17 talked about that he recorded, and number 10 would be our
18 transcript of that, and I informed Mr. Schiano a while ago
19 that we would give copies of the DVD itself and of the
20 transcript to the court so the court could review it before
21 the hearing, and I believe the court did.

22 I would like to avoid having to play it right
23 now unless the court would like to have it played. I'd like
24 to move for admission of these things.

25 (At 10:58:08 a.m., People's Exhibits 9 and 10

1 are offered)

2 MR. SCHIANO: Judge, as long as the content

3 of the CD is the entire content that's on this --

4 (undecipherable)-- transcription, I have no objection.

5 THE COURT: Is it?

6 MR. SKRZYNSKI: It's not the entire, I think

7 I --

8 THE COURT: Yes, you did indicate.

9 MR. SKRZYNSKI: Yeah, it's a --

10 THE COURT: To be perfectly honest --

11 MR. SKRZYNSKI: -- portion of it that has --

12 THE COURT: -- I read the transcripts, I have

13 not listened to the --

14 MR. SKRZYNSKI: Well, no wait, this is --

15 this is the entire thing.

16 MR. SCHIANO: It is.

17 MR. SKRZYNSKI: This is the entire thing.

18 Yeah, there's the other one --(undecipherable).

19 THE COURT: It's the other one. Okay.

20 MR. SKRZYNSKI: Yeah. Thank you.

21 MR. SCHIANO: Okay.

22 MR. SKRZYNSKI: Thank you very much.

23 THE COURT: There's no objection? Okay,

24 those are admitted.

25 (At 10:58:34 a.m., People's Exhibits 9 and 10

1 are admitted)

2 MR. SKRZYNSKI: Okay. All right, so -- all
3 right, so Judge --

4 THE COURT: Yes, that's fine.

5 MR. SKRZYNSKI: -- I don't think that we need
6 to play it, the court has --(multiple speakers)--

7 THE COURT: No, I don't -- I'm not gonna make
8 my ruling today anyway, so --

9 MR. SKRZYNSKI: Sure. Okay. All right.

10 THE COURT: -- I will listen to it.

11 MR. SKRZYNSKI: Thank you.

12 THE COURT: But I did read the transcript.

13 MR. SKRZYNSKI: All right.

14 BY MR. SKRZYNSKI:

15 Q Now, so he allowed you to take the DVR?

16 A Yes.

17 Q And what happened? Did he -- did you ask him how it worked
18 or anything like that?

19 A I asked him if he knew the password. Often times you have
20 to have like a logon and a password, he said he didn't -- he
21 didn't have any of that information.

22 Q He didn't. Okay. And he expressed no objection as you were
23 taking it with you?

24 A No.

25 Q As a matter of -- he told you okay?

1 A Yep. I told him I'd have it back to him as soon as, you
2 know, we didn't need it anymore.

3 Q All right. Then what happened after that?

4 A As we were walking out -- or out of the workout room, I
5 guess you can call it, I asked him if Muhammad was here. I
6 was just really checking in on him, I wanted to see how he
7 was doing, and he said, "Yeah, he's right here in his room,"
8 which happens to be the first room right there to the right.

9 Q And the person you're talking about directing this is Mr.
10 Al-Tantawi?

11 A Yes.

12 Q Okay, go ahead.

13 A Yep, he said, yes, he's here in his room. I made contact
14 with Muhammad.

15 Q Did you ask Mr. Al-Tantawi if you could talk to him?

16 A Yeah.

17 Q And what'd he say?

18 A He said it was okay.

19 Q Okay. And Mr. -- the defendant was in the room, what
20 happened?

21 A Mm-hmm. I was -- I just talked to him, I asked him how he
22 was doing. You know, we asked him about the surveillance
23 system, he knew how to use it, how to -- how it worked, he
24 said he believed that it wasn't working, that his mom used
25 to access it via her phone but that was several phones ago

1 and he didn't think that it was -- like the information
2 would still be on her phone.

3 And then he -- he asked me where the cameras
4 were, I told him I didn't know exactly, I just knew where
5 some of them were, the ones I had seen on the previous day
6 on the outside --

7 THE COURT: Okay, I'm sorry, who asked you?

8 THE WITNESS: Muhammad. I'm sorry, Ma'am.

9 THE COURT: That's all right, I just wanted
10 to make sure in my mind I know who you were referring to.

11 THE WITNESS: And Muhammad also -- I don't
12 know if I said it, he asked me if there was any cameras on
13 the inside of the house.

14 BY MR. SKRZYNSKI:

15 Q And you said what?

16 A I didn't know.

17 Q And did you?

18 A No, I didn't know.

19 Q Okay. Did he say anything else? Did you ask them anything
20 about the previous day?

21 A I'm sorry, Sir, I didn't hear.

22 Q About the previous day.

23 A Yeah, I'd asked him to just kinda go through it real quick.
24 He told me he got up at 6:00 and that, you know, he had
25 taken a shower, he was notified by his sister --

- 1 Q Did he tell you where the shower was?
- 2 A It was in his room.
- 3 Q It's an attached bathroom?
- 4 A Yes, attached bathroom. All the -- all the -- all the
- 5 bedrooms have attached bathrooms.
- 6 Q How big is this house?
- 7 A I don't know exactly. I would assume somewhere in the area
- 8 of 8,000 square feet.
- 9 Q Eight thousand?
- 10 A It's very big.
- 11 Q Okay. And each of the bedrooms has an attached bath?
- 12 A Yes.
- 13 Q I see, okay. So he said that he was up at 6:00, he got in
- 14 the shower in the attached bathroom, what happened?
- 15 A And then he was notified by Aya that their mom fell and then
- 16 he exited the house with Aya.
- 17 Q Did she tell him anything about was he going to call 911 or
- 18 anything like that?
- 19 A I think -- I think Aya was calling 911. I think he -- no,
- 20 Aya called 911.
- 21 Q Okay. All right, and did he described to Aya's behavior at
- 22 that time? Or her demeanor?
- 23 A Honestly, I don't really recall.
- 24 Q Okay. What happened then? He said that Aya had contacted
- 25 911, what happened?

1 A Yep, and then they went out the -- they went out the garage
2 door and ran around and saw Nada laying on the patio.
3 Q And what did he do?
4 A He -- he -- he had talked to 911 and he was doing CPR.
5 Q Had he also called 911?
6 A No, I think they had switched phones at some point.
7 Q Okay, he and Aya had switched phones?
8 A Yes.
9 Q Okay, so -- and that was while the 911 was on the phone?
10 A Yes.
11 Q I see. So, and he did what, CPR? I'm sorry, did you say
12 that?
13 A Yes.
14 Q Okay. What else did he say? Did he mention anything about
15 his home atmosphere?
16 A Oh, yeah. Yeah, we talked about that.
17 Q What did he say?
18 A He said that he confirmed that they had been going through a
19 divorce and it's been contentious at times. You know, he'd
20 spent most of the -- or he gets along with his dad much
21 better than his mom.
22 Q Did he mentioned that his -- you said he'd get along much
23 better with his dad, did he say that -- did he tell you what
24 that meant?
25 A Yeah, he said that they would talk on the phone, they would

1 meet for -- they met for dinner maybe -- not the night
2 before but several nights ago.

3 Q Several, what do you mean?

4 A Two or three nights before, so that was a Sunday night to
5 Monday morning when the incident happened, I think he was
6 talking about Friday --

7 Q Okay.

8 A -- but I wasn't -- I don't know if I asked him exactly which
9 day he had met -- dad had dinner together.

10 Q Did he -- and he -- did he mention any other activities that
11 they had together?

12 A They would go to prayer together.

13 Q Okay. Did he make any comments about his mother?

14 A That they argued a lot lately but it's been getting better.
15 Their relationship's been getting better.

16 Q And did he mention anything about the accident itself, the
17 accident that you at that time thought?

18 A Yeah. Yeah, he mentioned that he wasn't surprised.

19 Q He wasn't surprised at what?

20 A He wasn't surprised that she fell out the window.

21 Q Why?

22 A He said that it -- because she had had several car accidents
23 in one week several months ago.

24 Q So he said he wasn't surprised --

25 A Yeah, he just wasn't surprised that she had fallen out the

1 window.

2 Q Okay. So after -- does that -- anything else?

3 A Just the whole -- I don't know, again, it seemed odd to me.

4 I don't know why you would say that.

5 Q Okay. All right, well did you do anything further or have
6 any further conversation?

7 A At that time?

8 Q Yes.

9 A I don't think so.

10 Q Okay. So what did you do?

11 A Myself and Detective Hammond transported the recording, DVR,
12 back to the station.

13 Q And what did you do?

14 A We plugged it into a, just a standard computer monitor that
15 you'd find anywhere else, we turned it on, it had an
16 administrator screen, it had like a logon and a password.
17 The logon just said admin. It's a pretty standard DVR
18 system. So we tried a couple different passwords, which are
19 -- when you buy a DVR system they come with a password, and
20 a lot of times those are the same.

21 Q Like what would be those kind of passwords?

22 A Like all zeroes or -- with the two we tried they were all
23 zeroes and a one. And then one, two, three, four, five,
24 six, seven. Those are both pretty common.

25 Q And what happened?

1 A And the second one was correct, one through seven.

2 Q The one through seven? And it started the DVR?

3 A Yep.

4 Q So what happened?

5 A It's a pretty easy operational system, you search a time and

6 date so we searched, you know, the 21st, gave us about a

7 four -- or about a 24 hour -- it gave us a 24 hour window

8 and we just kinda scrolled along the bottom and found where,

9 you know, there was a body on the patio and we just kinda

10 backed it up from there. While reviewing the video you

11 could -- you can see that, you know, there's a light on in

12 that room and what would be the makeup -- or the guest

13 bedroom, and the body comes out -- you know, Nada's body

14 comes out the window and hits the ground.

15 Q So that was actually depicted on the DVR?

16 A Not -- not exactly that. What you have is, you have -- the

17 camera's actually on the top part of the first floor.

18 Q Yeah.

19 A She actually comes out the second floor window, so the

20 camera's kinda shooting down towards the patio and we

21 learned from looking at all the cameras are the points of

22 entry, they're all facing on the points of entry.

23 Q All the cameras on the outside of the house?

24 A Yeah, on the outside of the house are all pointing at points

25 of entry, and that patio -- right next to the patio there's

1 two entry doors into the basement. So it wasn't designed to
2 cover that, but --

3 Q Would you look at Exhibit number 1 --

4 A Sure.

5 Q -- and just tell us what area --

6 THE WITNESS: Oop, sorry, Judge.

7 THE COURT: That's okay.

8 BY MR. SKRZYNSKI:

9 Q -- that's all right, what area are you in?

10 A Yep, right here.

11 Q And what are you -- can you point out to the Judge?

12 A Sure. So this is the camera right there and that kinda
13 covers maybe right about that angle right there.

14 THE COURT: Okay.

15 BY MR. SKRZYNSKI:

16 Q And does it cover that strip of grass that's right next to
17 the patio?

18 A Yeah, and it goes all the way to write about there.

19 Q All right, and you said that you saw the video at that time
20 --

21 A Yes.

22 Q -- and depicted some things. Okay. You've had a chance --
23 you looked at that video several times, haven't you?

24 A Yes, I have.

25 Q All right.

1 MR. SKRZYNSKI: Judge, I would ask -- I've
2 got a CD, which I would ask the court to play. I can play
3 it on my laptop at the bench if you like, or if the court
4 can -- can certainly play it at the bench, this is a -- this
5 is a copy of the fall, is that correct?

6 THE WITNESS: It appears so, yes.

7 MR. SKRZYNSKI: Yeah. And I'd like to play
8 that for the court.

9 THE COURT: All right. Are you hooked up to
10 be able to do that?

11 MR. SKRZYNSKI: I can do that, yeah. I've
12 actually got this on my computer so I won't need to plug it
13 in.

14 THE COURT: Oh, that's fine.

15 MR. SKRZYNSKI: This is playing this. If I
16 may approach?

17 THE CLERK: There's an HDMI cord if you want
18 to plug it into the laptop I can play it on the TV.

19 THE COURT: We can play it on the TV. That
20 might be -- might be better for my aging eyes here.

21 THE CLERK: (Inaudible). You may need an
22 adapter --(inaudible).

23 MR. KEAST: Here, I got it.

24 THE COURT: Trust me, if I didn't have these
25 younger people around, Mr. Skrzynski, I --

1 MR. SKRZYNSKI: Exactly.

2 THE COURT: -- I wouldn't know what -- all I
3 use is my mouse and push some buttons here.

4 MR. HART: (Multiple speakers)-- I'm going to
5 call my daughter.

6 MR. SKRZYNSKI: Exactly.

7 THE COURT: I think my grandson who is two
8 and a half can do better than I can, that's for sure.

9 BY MR. SKRZYNSKI:

10 Q All right, is this what you saw, Officer?

11 A Yes, Sir.

12 Q And on the left side is the shadow you saw?

13 A Yes. So these are the shadows depicted from the light in
14 the room. You can see there this is what we noticed the
15 second time through, that the shadow -- after she comes out
16 there's obviously a shadow that disappears from the room and
17 leave. And then several seconds here, the light in the room
18 actually turns off.

19 Q Well, did anything else happen with the shadow first?

20 A Yeah, there's -- it comes back into play here, right about
21 now. You can see there's obviously movement. I think
22 there's another instance where there's movement in front of
23 the shadow -- or in front of the window --(inaudible).

24 Q What was -- did you notice what just went by the window?

25 A Yeah, when we slowed it down it appears to be the ladder

1 being placed in front of the window.

2 Q That was the ladder? Okay, next --(undecipherable)--

3 MR. SKRZYNSKI: Would the court like to see
4 it again?

5 THE COURT: Please.

6 BY MR. SKRZYNSKI:

7 Q Do you note the time that's on there?

8 A Yes, it's currently 5:54 and -- well, 5:55 right now --

9 Q On the video.

10 A -- when it's happening. It's 5:54 and several seconds.

11 MR. SKRZYNSKI: Okay.

12 THE COURT: Thank you.

13 BY MR. SKRZYNSKI:

14 Q All right, so you are sitting with who while you're watching
15 it?

16 A We're actually standing. We have a little computer area and
17 there's several people there, including Detective Hammond
18 and Sergeant Wehby.

19 Q So what happens at that point?

20 A We kind of -- we watched it several times to kind of made
21 sure what we were seeing is what we all believed, and then
22 we determined that there was obviously another person in
23 that room when she --(undecipherable)-- out the window.

24 Q Just in the room?

25 A Obviously in the room. When I look closer at it, it appears

1 to me that someone drags a body into that room, sets -- sets
2 her --

3 Q Well no, I just want -- don't tell me what --

4 A Okay.

5 Q -- you think leads up to it --

6 A Sure.

7 Q -- what do you see in the video that causes concern?

8 A It looks like she's flipped out of the window.

9 Q By the other person?

10 A Yes.

11 Q So the other person's not simply in the room?

12 A No, not to me, no.

13 Q All right. All right, at that point what do you do?

14 A We respond. We make a plan to respond back to the house and
15 question people who were there at the time.

16 Q Okay.

17 MR. SKRZYNSKI: Judge, If I may just
18 interrupt for one moment?

19 THE COURT: Yes.

20 MR. SKRZYNSKI: When defense made their
21 motion for this hearing I asked the court to divide the
22 hearing into a consent portion for the DVR --

23 THE COURT: Right.

24 MR. SKRZYNSKI: -- and then secondly the
25 interview portion. And I think that what the detective is

1 about to get into is the interview portion of it. So, I
2 would -- I know Detective Wehby is going to testify to --
3 you know, he wasn't at the consent portion of it, but he was
4 there, you've seen it the original date, and he witnessed
5 this, so he saw this. And then he went for the interview.

6 I just wanted to make sure that we demarcate,
7 you know, the two hearings.

8 THE COURT: Right.

9 MR. SKRZYNSKI: And I think that this next
10 thing would be getting into the interview. Unless when I go
11 into some cross-examination of his first.

12 MR. SCHIANO: It's up to the court. He's on
13 the stand, if he wants to continue, I have no problem with
14 that, it's up to the court.

15 MR. SKRZYNSKI: Or we could -- we could do
16 just another hearing, begin another hearing. I don't know
17 how the court wants to do this.

18 THE COURT: Well, as indicated, they are two
19 separate issues and I would like to keep them distinct, so
20 maybe if you cross-examine him on the consent part and then
21 we'll go from there, okay?

22 MR. SCHIANO: Thank you.

23 CROSS-EXAMINATION

24 BY MR. SCHIANO:

25 Q Detective, I just want to direct your attention back, and if

1 you can just help me out with some of the time frames that
2 you are at the house on August 21st of 2017, if you can?

3 A Sure.

4 Q You told me your normal hours are 7:00 o'clock in the
5 morning is when you normally go to work, is that right?

6 A It's not a normal hour, we do an early day guy --

7 Q Okay.

8 A -- every five weeks or so one guy's tasked with coming in
9 early, they would normally handle the in-custody -- anyone
10 who was arrested overnight. It would be our case, you got
11 to prep it for arraignment or to be sent to the prosecutor
12 or whoever.

13 Q So, but on this date on August 21st of 2017 you were -- you
14 were called in and asked about the Howard Road around 7:00
15 or 8:00 o'clock I take it, right?

16 A Yes. I was already in the station and I was told that
17 someone needed to respond there, yes, Sir.

18 Q Do you recall when you got out to the house?

19 A I don't -- not the exact time. I think I was -- my best
20 guess would say I was advised about 7:30, I gathered my
21 things and probably was there before 8:00 o'clock.

22 Q And you had an opportunity to view the body I take it,
23 correct?

24 A Not right away -- yeah, and -- yes, I did.

25 Q I mean, during the course of your hours there, correct?

1 A Yes.

2 Q And if you recall, could you tell the court when you -- you

3 don't recall when you got there but it was sometime between

4 I take it 7:00, 8:00 o'clock I assume, right?

5 A Yeah.

6 Q What time did you leave?

7 A I honestly, I don't know the exact time.

8 Q Well, were you there all day til 5:00 at night?

9 A No. No, about sometime around noon.

10 Q All right, that sounds fair. So you are there for about

11 four hours or so, correct?

12 A Yes.

13 Q And when you left did the entire Farmington Hills Police

14 Department leave around this same time?

15 A No.

16 Q Who stayed?

17 A Evidence techs were still there when I had left.

18 Q So evidence techs, and the only thing they took was a Tilex

19 bottle and a rag, is that right?

20 A I believe so on that day, yes, Sir.

21 Q If you recall, that's --

22 A (Inaudible).

23 Q Okay, but the investigators, yourself, the detectives, had

24 all --

25 MR. SCHIANO: Do you --

1 THE COURT: That's quite all right, I just
2 need to ask the detective to speak up, your voice is --

3 THE WITNESS: Oh, sorry.

4 THE COURT: -- is not being picked up
5 properly. Thank you.

6 BY MR. SCHIANO:

7 Q The detectives, the investigators have all left the scene
8 when you left around noon that, right?

9 A I don't know. I don't know exactly who was still there when
10 I left.

11 Q Well, you said you went back to write a report though,
12 right?

13 A I did, yes.

14 Q Okay.

15 A But we had all -- we had all shown up in three different
16 cars, so.

17 Q Okay. But you had the opportunity to walk through this
18 8,000 square-foot house you talked about, correct?

19 A Yes.

20 Q And you walked in every room and checked every room,
21 correct?

22 A I guess I would have to ask you what you mean by checked.

23 Q Well, you open the door, right?

24 A Sure.

25 Q You looked in?

- 1 A Yes.
- 2 Q Would you agree with me that the house was in a fairly
3 pristine, clean --
- 4 A Absolutely.
- 5 Q Let me finish the question, I apologize, because we're going
6 to be talking over each other and it's not gonna come over
7 very well. Fair to say that the room and the house was in a
8 fairly pristine condition?
- 9 A Yes.
- 10 Q In terms of when you looked at the room where she fell out
11 of, there appeared to be no sign of any struggle, correct?
- 12 A No, there didn't appear to be, no, Sir.
- 13 Q And there wasn't any things tipped over or beds messed up,
14 correct?
- 15 A In that room?
- 16 Q In that room.
- 17 A No, there was not.
- 18 Q And when you had a chance to view the body of Nada did you
19 see any bruises or marks on her face?
- 20 A I don't believe so, no.
- 21 Q Did you look at her hands? You've been a detective for how
22 long?
- 23 A Five and a half years.
- 24 Q Okay, and are you familiar with what are known as defensive
25 wounds or defensive struggle marks?

1 A Yes.

2 Q What are they?

3 A You would typically see like scratch marks or nicks or cuts

4 to the hands, the forearms, anything you would use to kind

5 of protect yourself inside/outside the forearms, hands,

6 things like that.

7 Q You would see clothing ripped too sometimes?

8 A Sometimes.

9 Q If there was a struggle, there was a fight, you'd see that,

10 correct?

11 A Yes.

12 Q Did you see any of that on the --(undecipherable)-- when you

13 saw her on ground that day?

14 A I did not.

15 Q And you also had the opportunity to make observations of

16 Muhammad and his two sisters, correct?

17 A Yes, very briefly.

18 Q Well, you talk to them, right?

19 A Muhammad -- I asked him -- our conver -- my conversation

20 with him lasted maybe 10 seconds.

21 Q Okay. Well, did you see any obvious signs of --

22 A No.

23 Q -- of wounds -- let me finish --

24 A Sorry.

25 Q Okay. Did you see any obvious signs of wounds on him,

1 whether -- did you see any blood on his hands or marks on
2 his hands?
3 A No, Sir.
4 Q Scratch marks at all?
5 A No.
6 Q Did you see his face, did he appear to have any marks on his
7 face?
8 A No, he did not.
9 Q Okay. And this idea that yourself -- strike that. When you
10 got to the scene you said you were briefed by Officer
11 Jordan, correct?
12 A Yes. And Sergeant Harlow.
13 Q And Sergeant. And when you talk to Officer Jordan what did
14 he tell you about his -- did he tell you about any hunch --
15 you are here, you heard his testimony a few minutes ago,
16 right?
17 A Yes.
18 Q Did he tell you about this hunch that he had at all?
19 A Yeah. He mentioned it to me.
20 Q And that caused you and the other detectives or
21 investigators to walk around the house you said, right?
22 A I don't know if that was the cause, I think we were all kind
23 of -- kind of came to the same conclusion that just the
24 placement was odd.
25 Q Okay.

1 A And the whole situation was odd.

2 Q And so you --

3 A That was part of it if you're --

4 Q Okay, but your entire investigation of this odd scene --

5 A Sure.

6 Q -- as you described it as, was four hours, is that right?

7 A No.

8 Q Well, you left at noon you said?

9 A Of the actual being on scene?

10 Q Yeah.

11 A Yeah, sure.

12 Q I'm asking you, your entire investigation of this odd, not

13 normal, body in the wrong position scene was about four

14 hours then, right?

15 A Yes.

16 Q And you left and all the investigators, the detectives left

17 and left a couple evidence technicians to collect whatever

18 they were gonna collect, correct?

19 A Yes.

20 Q Isn't it a fair statement though, when we're dealing with

21 evidence technicians, they're directed by the detectives and

22 the investigators to take stuff, correct? They don't go off

23 on their own and freelance, do they?

24 A No, not -- well, sometimes I guess they would, yeah.

25 Q Well, I mean, in this case you would direct them to do

1 something, direct them to either take fingerprints from an
2 area or take that piece of evidence and collect it and hold
3 it as evidence, correct? That's what they're used for,
4 right?

5 A Yes.

6 Q Okay.

7 THE COURT: Please speak up.

8 THE WITNESS: Yes, Ma'am.

9 BY MR. SCHIANO:

10 Q Did you do that in this case?

11 A Did I --(multiple speakers)--

12 Q Did you direct them --

13 A -- direct them --(multiple speakers)?

14 Q Did you direct these evidence technicians to secure any
15 evidence whatsoever?

16 A I did not, no.

17 Q Were you present when any of the sergeants or other
18 detectives advise them to collect any evidence?

19 A I believe that they had spoken to Sergeant Wehby and
20 Sergeant Haro, but I was not present when they were talking
21 about it I don't believe.

22 Q Did you formulate any plan on August 21st when you talked
23 about walking through the house? You said you got
24 permission from the doctor to walk through the house.

25 A Yes, we did.

1 Q Okay. Did you talk with the other detectives about what you
2 were going to look for when you're walking through the
3 house?
4 A Any specific conversation I can't -- I can't recall exactly
5 what was said, but yeah, there would have been some sort of
6 plan, take pictures here, things like that, collect the
7 Tilex and towel that --(multiple speakers)--
8 Q Well, did you take pictures that morning?
9 A I didn't, no.
10 Q Were you present when other people took pictures?
11 A Yes, I was present.
12 Q Did you all go together as in a group or were you all
13 separated?
14 A We're all separated.
15 Q Okay, and what areas of the house did you go through then?
16 A I went through the entire house.
17 Q Okay, so you actually went into that exercise room, didn't
18 you?
19 A Yes.
20 Q And you opened the closet and you saw all that equipment,
21 right?
22 A Which equipment?
23 Q The one you just testified to about two minutes ago.
24 A The DVR?
25 Q Yeah.

1 A No, I didn't see it on that day.

2 Q Well, you said you looked in every room and every closet,

3 right?

4 A Sure.

5 Q You didn't see it that day?

6 A No. It's tucked away behind the furnace.

7 Q Okay, but when you opened the door there's a lot of

8 equipment there, wasn't there?

9 A No. There was a -- I think two furnaces.

10 Q Okay, but you didn't see any equipment, any wires hanging

11 all over the place?

12 A No, I did not.

13 Q And how about when you saw the other DVR equipment that you

14 said was old, did you see that on the 21st?

15 A I did, yeah.

16 Q Did you see if that was plugged in?

17 A I did -- well no, I didn't see if it was plugged in, no.

18 Q Okay. But you knew there was cameras around?

19 A Yes.

20 Q And you knew that -- you assumed they were connected to

21 something, right?

22 A Well, I asked if they were connected --(inaudible).

23 Q But you're doing your own independent investigation I'm

24 assuming, you're an investigator -- detective investigator I

25 called you, detective. You're doing your own walk-through,

1 right?

2 A I was with two other people.

3 Q But you're a detective for five years.

4 A Sure.

5 Q And when you're investigating a scene that you had been

6 described as an odd scene --

7 A Yep.

8 Q -- it's your testimony that you didn't want to see if

9 anything was working?

10 A We asked if anything was working.

11 Q You asked.

12 A Yes.

13 Q But you didn't check?

14 A (Inaudible)-- didn't.

15 Q Isn't it true that --(multiple speakers)--

16 A I didn't know where it was.

17 Q -- the doctor told you he hadn't been in the house for 18

18 months and you were relying on the 16 year old to tell you

19 whether it was working or not? That's what a detective of

20 five years experience does?

21 A Well --

22 Q I'm just asking, that's what you did?

23 A Sure. Yeah.

24 Q So a 16 year old told you it wasn't working and you said,

25 uh, must not be working, I'm not even gonna check it then.

1 A Well, I didn't see it at the time either.

2 Q But you saw the cameras?

3 A Yes.

4 Q You saw six, seven, eight, night cameras in the house,

5 right?

6 A There's six cameras.

7 Q Okay. You saw all the six cameras and you saw and you --

8 you had heard rumors -- did you hear rumors --

9 (undecipherable)-- you heard rumors that -- later on that

10 day, correct?

11 A The next day about the cameras.

12 Q Well, you told this Mr. Skrzynski here that you went back to

13 the office at noon that day to do some paperwork and you are

14 taking cell phone calls from a person, remember saying that

15 before?

16 A (Inaudible).

17 Q So the same day, August 21st, you are getting phone calls

18 about this, right?

19 A Yes.

20 Q Okay. Other than walking around the house opening all the

21 closet doors, checking for entry points, what else did you

22 do to investigate the homicide slash suicide slash

23 accidental falling that day?

24 A On that day there wasn't -- there wasn't anything that --

25 you know, that we could see that was outright that we needed

1 to be done right then.

2 Q As a detective did you request the technicians to take any

3 fingerprints of the scene?

4 A No, I didn't.

5 Q Secure any DNA evidence from the scene?

6 A At that time, no.

7 Q Preserve the scene in any way?

8 A No, not at that time.

9 Q So you left a slash homicide, suicide, accidental --

10 (undecipherable)-- without any police presence, fair to say?

11 A Well yeah. At some point we have to clear every scene.

12 Q Well, for 24 hours you left and then you came back about 25

13 hours later, right?

14 A Yes.

15 Q At some point during the morning of the 21st though you had

16 been alone in that house and the Al-Tantawi's were out and

17 went to breakfast that morning, right, after -- for a period

18 of time?

19 A Yes. They were not there, yes, correct.

20 Q They left the house, right?

21 A Yes.

22 Q And you were in the house by yourselves with the other

23 detectives walking through the entire house, correct?

24 A Yes.

25 Q Did you take any evidence at that point?

1 A Just the evidence you talked about, yeah.

2 Q Just the Tilex bottle and the rag, correct?

3 A Yes.

4 Q Did you go into Muhammad's room?

5 A I think we -- yeah, we went into every room.

6 Q Did you see anything of evidentiary value in there?

7 A Not that we noticed at the time, no.

8 Q And when you went into this X -- strike that, the room where
9 the window was open, did you secure anything but the Tilex
10 bottle and the rag from that room?

11 A No.

12 Q Now, turning to the next day, you get these phone calls on
13 the 21st --

14 THE COURT: Detective, your voice is still
15 fading in and out.

16 THE WITNESS: Sorry. I've had a cold.

17 THE COURT: Would you like some water?

18 THE WITNESS: No, I'm fine.

19 THE COURT: Thank you.

20 MR. SCHIANO: I'll try to go slow if you need
21 some time?

22 THE WITNESS: No, no, I'm fine. Thank you.

23 BY MR. SCHIANO:

24 Q I'm going to turn your attention now to the next day. You
25 indicate that you come to work at 7:00 o'clock that morning

1 the next day?

2 A Yep, about 7:00, yep.

3 Q Okay. And you had indicated that you received these phone

4 calls from people that you know --(undecipherable)-- that

5 described themselves as a lawyer?

6 A Yes, one did.

7 Q An interior decorator?

8 A Sure.

9 Q How many other phone calls did you get --(coughing)?

10 A There was a lot of phone calls.

11 Q There was a lot of phone calls.

12 A Okay, and they were all telling you that you had to keep

13 investigating this, right?

14 A Yes.

15 Q And they were telling you there was a divorce going on,

16 there's a lot of money involved, right?

17 A Yes.

18 Q And that something must have happened, correct?

19 A Yes.

20 Q That's what they were telling you?

21 A Yes.

22 Q And to that point you guys had left and you had closed shop

23 up the day before, correct?

24 A I guess I would have to ask you, what does "close shop up"

25 mean?

- 1 Q Well, there was no officers on scene, correct?
- 2 A Correct.
- 3 Q There was no one there protecting any potential evidence,
4 correct?
- 5 A Correct.
- 6 Q You had left the scene, correct?
- 7 A Left the scene, yes.
- 8 Q And the family was in the house for over 24 hours without
9 any police presence, fair to say?
- 10 A Yes.
- 11 Q Okay, and so at some point you talk about devising a plan,
12 that's the word you used, plan, okay, so you had these
13 people tell you that the security system might be working,
14 correct?
- 15 A Yes.
- 16 Q But you knew at the time that the doctor was not even
17 allowed to be in that house, correct?
- 18 A At what point?
- 19 Q Well, you --
- 20 A The next day on the 22nd, or...
- 21 Q Well, you said on the 21st he wasn't allowed to be there.
- 22 A Yeah, we knew that, yes.
- 23 Q You gave him this dispensation somehow to be there for that
24 day to pick his kids up, right?
- 25 A Correct.

- 1 Q Did you ever tell him he could continue to stay there?
- 2 A I don't -- I don't know, I don't recall.
- 3 Q Well, you got this notice with the tether people that he
- 4 violated the order of protection, right?
- 5 A Right.
- 6 Q Did you call him back and say hey, doc, you could stay there
- 7 --
- 8 A No.
- 9 Q -- because your kids need you, or what did you do?
- 10 A I didn't specifically call him and tell him that.
- 11 Q Well, you got a phone call saying that he's been violated,
- 12 did you go arrest him at that time?
- 13 A No, he violated on behalf of what Officer Jordan said, that
- 14 he could come back there in order to help take care of the
- 15 kids.
- 16 Q But according to you he wasn't supposed to be there still,
- 17 right? Did you ask him to leave the premises?
- 18 A No. No, I didn't.
- 19 Q At some point you indicated you formalized this plan to go
- 20 back over there and seize evidence, correct?
- 21 A Yes.
- 22 Q Take property?
- 23 A Sure.
- 24 Q Take property that wasn't yours?
- 25 A We were checking to see if it was --

1 Q It was your goal -- gaming plan to take the DVR if you can
2 find it?

3 A Yes.

4 Q Are you familiar with what's commonly known as a consent to
5 search form?

6 A Yes.

7 Q Is that a form that is readily available to the Farmington
8 Hills Police Department?

9 A Yes.

10 Q Do you know what the language in that form says?

11 A I don't know specifically what it is right now.

12 Q Let me read you some things that tell -- sort of refreshes
13 your recollection. Does it say something like, "I've been
14 advised of my constitutional right not to have a search made
15 of my premise or vehicle"? They're standard forms, right?

16 A It's a standard Farmington Hills form, yeah.

17 Q So they would say something to that effect, that they have a
18 constitutional right not to have their property taken,
19 correct?

20 A Sure.

21 Q Did you, during this discussion and plan that you had with
22 your sergeants, talk about whether or not you are going to
23 bring with you a consent to search form?

24 A I don't recall.

25 Q You don't recall. Did you have one readily available in

1 your car or on your person when you went over there?

2 A No, I did not.

3 Q You have them available at your office?

4 A Yeah, there are copies at the office, yes.

5 Q And you knew that when you were going over you were going to

6 take something, correct, if you can find it?

7 A We were going to ask to take it, yeah.

8 Q Did you ever ask and to tell the doctor you have a

9 constitutional right not to have a search made of his house

10 or property?

11 A No, I did not.

12 Q When you go over to the house do you have a body --

13 (undecipherable)-- camera or was it a cell phone you had on?

14 A I don't have -- there's no cameras, we don't have cameras as

15 detectives.

16 Q Okay, but you -- the way you use to record is your cell

17 phone?

18 A Yes.

19 Q And You only turn that on, fair to say, Detective, after you

20 made a complete search of the basement -- strike that, you

21 knock on the door, you search the basement for it, you

22 search a closet, you go into the exercise room, you actually

23 take it out, unplug it, test it, are carrying it out and

24 then you turn on the --

25 A That is not correct.

1 Q Okay. Well, it says here in the form -- the tape recording,
2 and I think it's you that say, it comes to your property and
3 they don't want to be able to log onto it. And then you
4 tell him that you had called the company, Tellus, at that
5 point, so that was after the fact, after you unplugged it,
6 after you took it out.

7 A That is not true.

8 Q Well, when you say here -- so basically what I did was I
9 called up the company, Tellus, who installed the system,
10 that's what you said in the -- is that yes?

11 A Yes, Sir.

12 Q Okay, so you turned the tape recording on after you had
13 called the company?

14 A Yes.

15 Q Okay. Correct?

16 A Correct.

17 Q It'll be after you had taken it out of the wall.

18 A No, Sir.

19 Q So tell me when you take it out of the wall.

20 A After I call the company we located it, we saw that the
21 light were on, the cameras were plugged into the back. I
22 then take out my cell phone and I talked to him, here it is,
23 this is the DVR system right here, that's when we had the
24 conversation, after he says yes, okay, I tell him will have
25 it back to him, then I unplug it and take it out of the

1 wall.

2 Q You -- it's not contained in any of the transcripts then is
3 what you're trying to tell me, is that out of the -- out of
4 tape recorder (ph)?

5 A (Multiple speakers).

6 Q I'm asking you when you turn the tape recording on, because
7 the tape recording starts with you saying, "If it comes to
8 your property they don't want to be able to log onto it,"
9 and then basically you say, "so basically what I did was, I
10 called up the company, uh, the company called Tellus, who
11 installed the system." That's the first line of the tape
12 recording that we have.

13 A Right.

14 Q So you had called the company first --

15 A Yes.

16 Q -- that day.

17 A While I was in the --

18 Q While you were in the room.

19 A Yes.

20 Q It wasn't on when you were talking to the company?

21 A No.

22 Q That was my question. After you took it out and saw it was
23 working you took it out and then you turned your tape
24 recording on.

25 A No, Sir.

1 Q So you're saying the transcript's wrong or there's some kind
2 of mistake here?

3 A I don't know exactly what part of the transcript you're at.

4 Q You want to read it?

5 A I can tell you exactly how it went.

6 Q No, I'm asking you if you want to read the transcript,
7 what's --

8 A No.

9 Q -- in record right now?

10 A No, Sir.

11 Q Okay. So, I'm asking you then, you turn on this tape
12 recording, you say before you talk to the company?

13 A No, I didn't say that.

14 Q Okay, so afterwards, but you take it on -- you disconnect
15 the equipment, right?

16 A No. I didn't touch that equipment until after he said we
17 could take it.

18 Q Well, where does he say I can take it? He says, "I don't
19 know." Is that what he says to you?

20 A He doesn't say it like that.

21 Q He didn't?

22 A He says, "I don't know, uh," at some point we were having a
23 conversation about it. Again, Mr. Al-Tantawi is being very
24 cooperative with this whole thing.

25 Q Let me ask you this, did you say, and this is on page 2, "I

1 know this is more -- let's make -- let's make sure nothing's
2 on it and then just move on with anything. Okay? No
3 problems with that?" His answer is, "I mean, I don't know."
4 A Right --(multiple speakers)--
5 Q "I don't think I have a problem with that," he says.
6 A "Well, like I said, this whole thing is shocking to me.
7 Again, you know, the situation is bizarre." So he says, "I
8 don't know" to you, right?
9 A Sure.
10 Q Then he goes on even further on page 4, you say again,
11 "Okay, you don't mind if we take it in and take a look
12 though?" His answer, "So, I don't know." Is that an
13 unequivocal yes to you when he says, "I don't know"? After
14 you don't tell him he has a constitutional right to say no,
15 not to have you in his house and not to have you take his
16 property?
17 A (No audible response).
18 Q I'm asking you, did the words, "I don't know" -- what does
19 that mean to you?
20 A That he didn't know, that's why we continued the
21 conversation about it.
22 Q Okay, and you never explained to him any of his potential
23 rights, those rights being he had a right to say no, he had
24 a right to kick you out of the house, he had the right not
25 to seize his property, correct?

1 A Correct.

2 Q You never read him those rights, right?

3 A No, I did not.

4 Q Even though clearly you have these standard forms of consent

5 to take the property, fair to say?

6 A Yes.

7 Q And you knew that if you showed him that form that he had a

8 constitutional right not to take it that he would have said

9 no, get out of here, right?

10 A I didn't know that, no. He'd been cooperative with the

11 investigation at that point.

12 Q Didn't you turn to one of the officers -- and -- one of the

13 officers that was with you and say, "Get the form"?

14 A No.

15 Q Didn't the other officer say, "Do you want the form?"

16 A He asked if I had one.

17 Q So one of the other officers on the scene even inquired of

18 you as to whether or not you had a consent to search form,

19 right?

20 A Right.

21 Q Who was that?

22 A Detective Hammond.

23 Q So they actually -- he actually was trying to do the right

24 thing, right? An officer working with you ask you did you

25 have a form and you said no. How long would it take to go

1 get that form, it's four or five minutes from the -- from
2 the house?

3 A No, it's four or five miles from the --

4 Q I'm sorry, you guys got the sirens, you can go pretty quick
5 --(multiple speakers)--

6 A I didn't have a siren on my police car.

7 Q You're within 10 minutes to go get a consent to search form
8 where one of your own detectives said, "Do you want to
9 form," right?

10 A Right.

11 Q But you said no.

12 A Right, because I had it on recording.

13 Q Because you had it on recording as opposed to telling him
14 he's got a constitutional right to say no.

15 A Correct.

16 Q So you wanted to violate his rights that day is what you're
17 trying to say?

18 A That is absolutely not true.

19 Q Well, doesn't it say here on the consent form he has a
20 constitutional right to say no? You didn't want to tell him
21 that, huh? You want to hide it from him?

22 A I wasn't hiding anything, Sir.

23 Q Okay. Well, you told him -- you never told him he had a
24 right to say no.

25 A No, I did not.

1 Q And one of your other officers on scene ask you if you
2 wanted to form and you said no.
3 A Correct.
4 Q Was it discussed back at the station house?
5 A I don't believe it was.
6 Q About the form?
7 A I can't recall.
8 Q Detective Hammond didn't have one with him?
9 A No.
10 Q Are you sure?
11 A Not that I know of, no. But I guess he would be the only
12 one who could...
13 Q Now, going back to where you say he gives you the
14 unequivocal yes, after he says, "So, I don't know," on page
15 4, you say to him, "We'll get it back to you as soon as you
16 can -- as we can." And he says, "Uh-huh, I guess I don't
17 have an issue with that." So the Best you have out of him
18 as opposed to a yes is, "I guess," correct?
19 A I'm not looking at the transcript.
20 Q Do you want to read it?
21 A Sure.
22 MR. SCHIANO: Judge, can I approach?
23 THE COURT: Yes, you may.
24 MR. SCHIANO: (Inaudible)-- mark --
25 (inaudible)?

1 MR. SKRZYNSKI: Yeah, that's okay --

2 (inaudible).

3 BY MR. SCHIANO:

4 Q Detective, I'm just going to hand you what's --

5 A Sure. Thank you, Sir.

6 Q -- Exhibit -- help me there, 10?

7 MR. SKRZYNSKI: Ten.

8 BY MR. SCHIANO:

9 Q A copy of it. You just refer to the lines towards the top.

10 Does that help refresh your recollection as to what the

11 doctor said to that afternoon?

12 A Yeah.

13 Q And he said, "I guess so," correct?

14 A Yeah, he said, "I guess I don't have a problem with that."

15 Q You made a comment to the court about reviewing the video

16 that we just saw a few moments ago and you said you saw

17 somebody being dragged in the room, you can see that on the

18 video? According to you?

19 A What appears to be two shadows -- or a shadow moving. You

20 can't see it, it's not perfect, no.

21 Q You can't see anybody being dragged in that room, can you?

22 That was something you just made up?

23 A No, Sir, that's what it looks like to me --(multiple

24 speakers)--

25 Q That's your -- that's your theory.

1 A No, that's what it looks like to me.

2 MR. SCHIANO: Judge, if I can have just a
3 moment?

4 THE COURT: Yes.

5 BY MR. SCHIANO:

6 Q Just so I'm clear too, Detective, you are aware of the
7 domestic violence case with a doctor and his -- and Nada,
8 correct?

9 A Correct.

10 Q So you are aware that there was order of protection that was
11 in effect, correct?

12 A Yes.

13 Q And were you part of that investigation?

14 A Yes, I was.

15 Q And so you had had contact with the doctor on previous
16 occasions, correct?

17 A I don't think I actually ever spoke to him, no.

18 Q Okay, and when you saw him that day when he was informed of
19 the death of his wife, his reaction was distraught?

20 A At some level (ph).

21 Q And he had fell into the garage of some sort?

22 A No, he's just kinda using the car to kinda hold himself up.

23 Q Just going back a second I just want to follow-up with some
24 things you said earlier. Do you recall what time you
25 indicated that you went -- you said that the body was being

1 removed and the doctor didn't want the kids to see that, in
2 relation to when you left around noon, do you recall and
3 that body was removed from the scene?

4 A Honestly, I don't, Sir, I'm sorry.

5 Q Within a hour of you -- before you leaving, two hours? If
6 you don't remember, that's fine.

7 A I honestly don't. I don't know.

8 Q That's fine. Would it be fair to say that -- well, you had
9 never tried to get a search warrant for the house at any
10 time, did you, on the 22nd?

11 A That's not true.

12 Q Strike that. Prior to going over at 1:30 you never tried to
13 get a search warrant?

14 A On which day?

15 Q The 22nd.

16 A At 1:30 you say?

17 Q You went to the house at 1:30 to --

18 A About then, yes.

19 Q Okay, did you ever apply for a search warrant prior to that
20 time?

21 A No, Sir.

22 Q You couldn't apply based upon this -- these phone calls
23 because they were pretty much hearsay and not reliable, fair
24 to say?

25 A I don't know, I'm not a -- I don't issue search warrants on

1 a --(multiple speakers)--

2 Q Have you ever read a search warrant application?

3 A I have. I have. I would say no, at that point, no --

4 (multiple speakers)--

5 Q So you couldn't just go to a magistrate and say I need a
6 search warrant because the interior director -- interior
7 decorator says, "Hey, go check this camera out"?

8 A No.

9 Q Or the attorney called and said, "Hey, go check this out,"
10 that's not enough to get a search warrant, is it?

11 A No.

12 Q And you knew that when you went over to the house, right?
13 You're a detective, you know that, right?

14 A Sure.

15 MR. SCHIANO: Thank you, that's all I have.

16 MR. HART: Whoa, whoa.

17 MR. SCHIANO: Oh, I'm sorry.

18 BY MR. SCHIANO:

19 Q Again, the order of protection was not just for the -- Nada,
20 it was for the premises, he wasn't allowed on the premises,
21 fair to say?

22 A That's correct.

23 Q All right, thank you.

24 MR. SCHIANO: That's all I have.

25 REDIRECT EXAMINATION

1 BY MR. SKRZYNSKI:

2 Q Okay. First of all, as it regards to what she was doing on

3 the 21st, did Officer Jordan tell you he had a hunch?

4 A Did he -- did he use those words?

5 Q Yes.

6 A No.

7 Q What did he say?

8 A We were just talking about it. We had a conversation about

9 how it looks odd --(multiple speakers)--

10 Q Okay, he didn't say "this might be a homicide," did he?

11 A No.

12 Q Okay. He said this looks weird?

13 A Yes.

14 Q And that it looked weird to you too and that's why you want

15 to look around?

16 A Yes.

17 Q That's why you asked Bassel if you could look around the

18 house?

19 A Yes.

20 Q Okay. Now, were you collecting evidence with the idea that

21 you're working a homicide scene?

22 A At that point?

23 Q Yes.

24 A No.

25 Q On the 21st?

1 A No.

2 Q It's not. Okay. And you're just -- what are you doing?

3 What's the plan?

4 A What's the plan?

5 Q Yes.

6 A You have an unknown cause of death. We --

7 Q So what are you looking for?

8 A We do an investigation. You know, we -- to find, you know,

9 investigate -- you can turn up anything, but basically we're

10 going to conduct an investigation until either we come up

11 with some -- some known manner of what happened, some cause

12 of death.

13 Q Okay. Do you find that on the 21st?

14 A No, not really. We don't see anything --

15 Q Okay.

16 A -- suspicious really.

17 Q Would you have had probable cause to get a search warrant

18 based on your feeling that this scene looked odd?

19 A No.

20 Q Okay.

21 A I don't believe so, no.

22 Q Did you have any probable cause that any kind of a crime was

23 committed at all?

24 A No.

25 Q You were just looking around the house to see if there was

1 anything weird, as weird as what you saw in the patio?

2 A Correct, Sir.

3 Q So that's why you didn't check wires and check, you know,

4 this and that, you were just looking?

5 A Correct.

6 Q All right. You did go back the next day, right?

7 A Yes.

8 Q The 22nd.

9 A Yes.

10 Q And by that time you did have a search warrant, didn't you?

11 MR. SCHIANO: Strike -- objection, Judge,

12 what time?

13 BY MR. SKRZYNSKI:

14 Q By 7:00 o'clock on the 22nd you -- 7:00 p.m. you had a

15 search warrant?

16 A Yes. There was a search warrant. I don't know the exact

17 time but it was around that time, yes, Sir.

18 Q Okay. All right. But that was based on what you had

19 subsequently found after the 21st when, on the 22nd you saw

20 the video?

21 A Yes. It was based on our continuing investigation.

22 Q All right. Was Mr. Al-Tantawi a suspect of some kind on the

23 22nd in the early afternoon when you went there to ask him

24 if you could take -- if you could look for the DVR?

25 A No, Sir.

1 Q He was not a suspect?

2 A No.

3 Q Do you give consent forms to anybody you ask consent of?

4 A No, Sir.

5 Q Why not?

6 A Generally, with people who are being cooperative during an

7 investigation you don't, you know, hand those out.

8 Q You what?

9 A You generally don't get those when they're -- you know, it's

10 a cooperative investigation or they're not being arrested

11 or, you know, they're not the subject of the investigation.

12 Q All right, so as far as you know, at that point what kind of

13 a person are you dealing with with Mr. Al-Tantawi?

14 A Cooperative.

15 Q Okay, and he has not stopped you from doing anything?

16 A No, Sir.

17 Q Okay.

18 MR. SKRZYNSKI: Judge, I think that it might

19 be a good idea to listen to that consent tape right now.

20 THE COURT: Very well. I don't have a

21 problem with that.

22 MR. SKRZYNSKI: Pardon?

23 MR. KEAST: Do have it on there?

24 MR. SKRZYNSKI: No. You have to -- just one

25 second.

1 MR. KEAST: Sure.

2 BY MR. SKRZYNSKI:

3 Q Before I do that, when you were -- he mentions here -- were

4 you talking to him before this consenting about what was

5 going on with all the talking that was going on in the

6 community?

7 A I think that's mentioned on the recording.

8 Q Right. And he was talking about he said/she said?

9 A Yes.

10 Q Is that what he was talking about?

11 A Yes.

12 Q In other words, the people that were -- you told him that

13 people were calling?

14 A Yes.

15 Q All right, and how many calls did you get? Ball park.

16 Twenty?

17 A Twenty. Twenty plus.

18 Q Okay, and you said one of the attor -- one of the persons

19 that called you represented herself as an attorney?

20 A Yes.

21 Q Did that person tell you that a camera was working?

22 A I don't -- I don't recall. I don't believe so.

23 Q The only person that -- was there more than one person that

24 told you that the cameras were working?

25 A Well, there was the --(undecipherable)-- who I spoke to the

1 22nd --(multiple speakers)--

2 Q The interior decorator?

3 A -- and then the -- the --(multiple speakers)--

4 Q That's what I'm talking about, on the 21st the phone calls

5 that you received, that's what we're talking about, did

6 anybody mention these cameras are working?

7 A No.

8 Q Okay. It's not until you talked to the interior decorator.

9 Did anybody else beside the interior decorator tell you the

10 cameras were working?

11 A No, Sir.

12 Q Okay. And it's only then that you decided to go back and

13 ask for the consent, is that correct?

14 A Yes, Sir.

15 Q All right. And that's like in the morning, early -- you

16 know, the earlier hours of the 22nd, the day after the hou -

17 -

18 A Yes, Sir.

19 Q -- after the -- okay. All right. And when you went back to

20 get that, why would you want that video? Why did you want

21 to see that video?

22 A To explain what happened.

23 Q Pardon?

24 A Hopefully it would explain what happened.

25 Q Why did you want to know what happened?

1 A Because then we could -- we could either continue our
2 investigation or we can close it out.

3 Q Okay. So you were not satisfied when you left the scene on
4 the 21st that you knew what happened?

5 A No, Sir.

6 Q You still thought the scene was odd?

7 A Yes, Sir.

8 Q Okay. And then when you find you that this camera's --
9 these cameras should be working, that -- what do you think
10 about -- what might you find about the cameras?

11 A Hopefully that they're working.

12 Q And?

13 A And the incident would be caught on video.

14 Q Okay, and then that would help to explain it?

15 A Yes, absolutely.

16 Q Okay, so this is not -- you don't have an idea that this is
17 a homicide, do you?

18 A No.

19 Q Okay. You just don't know what happened?

20 A Right. It could be...

21 Q Okay. Did you consider Doctor Al-Tantawi to be a suspect of
22 any kind on the 22nd when you went there to get the DVR?

23 A No, Sir.

24 Q And when you went there to get the DVD you didn't know what
25 you had.

1 A Correct.

2 Q All right.

3 MR. SKRZYNSKI: Your Honor, if we could, can
4 we play this --

5 THE COURT: Yes, absolutely.

6 (At 11:52:52 a.m., playing of body cam inside
7 residence commenced-not transcribed)

8 MR. SCHIANO: Judge, can we --(inaudible))?
9 Could we play it from the beginning?

10 THE COURT: Yeah, go ahead. Can you go back
11 to the beginning?

12 MR. SCHIANO: Thank you.

13 THE COURT: Would you like to be closer?

14 MR. SKRZYNSKI: Judge, I have the transcript
15 here too.

16 THE COURT: Oh, yeah. I left mine in my
17 office.

18 MR. SKRZYNSKI: Here. Marc, can you give
19 this to the Judge? Thanks.

20 THE COURT: Thank you.

21 MR. KEAST: Are we ready, Judge?

22 MR. SCHIANO: I'm just going to step up.

23 THE COURT: Are you gonna -- he wants to step
24 closer, which is --

25 MR. SKRZYNSKI: Is the computer running --

1 (inaudible)?

2 THE COURT: -- fine.

3 MR. SCHIANO: Can I approach?

4 THE COURT: Certainly.

5 (At 11:53:53 a.m., body cam video commenced -
6 not transcribed).

7 (At 11:58:20 a.m., video cam concluded)

8 THE COURT: Okay.

9 MR. SKRZYNSKI: All right, the record should
10 reflect that the court has had an opportunity to hear the
11 actual conversation that went on.

12 BY MR. SKRZYNSKI:

13 Q Now, the tone that both of you were using with each other
14 and the general tone of the conversation, excuse me, was
15 that the tone that existed throughout your contact with him
16 that day?

17 A Yes, Sir.

18 Q Okay. You didn't raise your voices?

19 A No, Sir.

20 Q Now, and when -- at that point is that when you started to
21 remove the DVR?

22 A Yes.

23 Q You didn't touch it before he said, okay, go ahead?

24 A That's correct. I didn't take it out --(inaudible).

25 Q Did you see any lights working on it at that time?

- 1 A Yeah. The lights were on in front, yeah.
- 2 Q On the front. They were working -- so you could see -- it
- 3 was in plain view, right?
- 4 A Right.
- 5 Q You didn't have to manipulate the thing at all or touch it
- 6 to see those lights on?
- 7 A No.
- 8 Q Okay. So -- and had you -- had you talked to the Tellusis
- 9 (sic) person about the fact that what does lights on mean?
- 10 A Yeah. He's the one that told me that if the light was on
- 11 then it was recording.
- 12 Q And that's what you told Mr. Al-Tantawi?
- 13 A Correct.
- 14 Q Okay. So that's when you asked him if you could take it?
- 15 A Right.
- 16 Q All right. Now, at the same time he's talking about taking
- 17 the video he's also talking about he said/she said. Was he
- 18 upset about the fact that you were getting phone calls?
- 19 A Yes.
- 20 Q And there was gossip going on?
- 21 A Yes.
- 22 Q Basically, what you said before about the phone calls is
- 23 that it was hearsay but it's really, it's gossip, right,
- 24 that's what people are calling and telling you?
- 25 A Yes.

1 Q All right.

2 THE COURT: Please keep your voice up.

3 THE WITNESS: Yes.

4 BY MR. SKRZYNSKI:

5 Q All right. And that's what he's commenting on there, but --

6 A About the he said/she said?

7 Q Yeah, he said --

8 MR. SCHIANO: Objection as to what my
9 client's -- not my client but the doctor's -- he can't
10 testify as to what he's commenting on.

11 MR. SKRZYNSKI: It's an -- that -- that's
12 nicely stated (ph) with a much larger conversation and I
13 think he can talk about what they were talking about when he
14 makes that comment.

15 MR. SCHIANO: He can't comment on what
16 somebody else is thinking, Judge. He cannot comment about
17 --(multiple speakers)--

18 MR. SKRZYNSKI: He can talk about the context
19 of that isolated statement in view of other things that they
20 talked about which were not recorded, so that he would have
21 the know -- he would have -- he would not have knowledge
22 because of what they were talking about, he would have
23 knowledge of the context of that statement and how that fit
24 in.

25 THE COURT: Go ahead, answer the question.

1 BY MR. SKRZYNSKI:

2 Q Is that what he was talking about, the he said/she said
3 stuff?

4 A Yes, he was.

5 Q Okay.

6 MR. SKRZYNSKI: I have nothing else. Thank
7 you.

8 RECROSS-EXAMINATION

9 BY MR. SCHIANO:

10 Q What were you wearing on that day again?

11 A Khakis and a Polo.

12 Q Did you have something that had a zipper on it?

13 A A zipper on it?

14 Q Yeah, a zipper.

15 A Probably my pants.

16 Q Okay, and did you pull your pants down that day of some
17 sort?

18 A No, my pants -- some of them have side pockets or --

19 Q Did you hear the audio portion, the beginning of it, a
20 zipper being unzipped?

21 A Oh, that's my folder.

22 Q Oh, your folder. It wasn't the carrying case for the DVR
23 system?

24 A The carrying -- the DVR doesn't have a carrying case.

25 Q I see. The portion of the tape that we talked -- you hear

1 the words "I think we're good," remember saying that?

2 A Yes. Yes.

3 Q That's where Detective Hammond says to you do you want the

4 --

5 A Yep.

6 Q -- the form. And he's offering you the form that you claim

7 that you didn't have that he had with him.

8 A He didn't have it with him.

9 Q Why would he offer it to you? Why would he say to you, "Do

10 you want a consent to search form" and you say, "I think

11 we're good"? Why would he say that to you on --(multiple

12 speakers)-- scene --

13 A Did he want to get one. He didn't say -- he wasn't standing

14 here with one and saying, "Here it is."

15 Q He had one with him.

16 A I don't know that.

17 Q You don't know that?

18 A No.

19 Q He says, "Do you want the consent to search form" to you and

20 you said, "No, I think we're good." That's what you said.

21 A Sure, that's what I said.

22 Q Because Hammond said to you, "Do you want the consent to

23 search form" --

24 MR. SKRZYNSKI: Judge, I think these are --

25 these are not things that I brought up on my cross. This is

1 redirect, which address my cross. This has been gone over
2 many times now.

3 MR. SCHIANO: Judge, he played the video, I'm
4 just going through what was on the video, the zipper and the
5 thinking we're good comment that came out --

6 MR. SKRZYNSKI: That was asked and answered.

7 THE COURT: All right, let's move on.

8 BY MR. SCHIANO:

9 Q Mr. Skrzynski asked you on redirect about what the people
10 were saying, you remember he said that, he said/she said
11 thing? People were telling you that the doctor had his wife
12 killed though, right? That's what they were telling you.

13 A Not that he had --(inaudible)-- killed, that he did it
14 himself.

15 Q That he did it, yeah.

16 A Yes.

17 Q And so --

18 A But they believed he was involved.

19 Q And so you acted on these comments made to you by people
20 that the doctor either had some killer or killer herself, so
21 he was technically a suspect at that point, wasn't he?

22 A At that point, no, he wasn't a suspect.

23 Q Well, you had no reason to go over to the house but for
24 these people saying the cameras worked, right?

25 A Correct, that the cameras --(inaudible).

1 Q You had no reason to -- you believed what they had to say,
2 that the cameras worked, right?

3 A Yes.

4 Q And you were believing that he had something to do with it,
5 that's why you went over there.

6 A No, we went over there because we were -- had advice from
7 somebody who had actually seen the cameras and had them --
8 was a part of the installation that they would actually
9 work.

10 Q And they were telling you these stories that they believed
11 he had his wife killed, right? That's what they told you.

12 MR. SKRZYNSKI: Well, Judge, when he says
13 "they," he's talking about one person, the interior
14 decorator. I think the question --(multiple speakers)--

15 MR. SCHIANO: I don't know that.

16 MR. SKRZYNSKI: -- the question --(multiple
17 speakers)--

18 MR. SCHIANO: I don't know that.

19 MR. SKRZYNSKI: -- did she say he did?

20 THE COURT: Well, why don't you ask
21 specifically --

22 MR. SKRZYNSKI: Yeah.

23 THE COURT: -- if she said that to him?

24 BY MR. SCHIANO:

25 Q Well, let me ask you though, because you said you had

1 multiple phone calls from multiple people.

2 A Correct.

3 Q Do you know the names of these people?

4 A There are some that are listed in the police reports, yes.

5 Q Okay. And who are they?

6 A Serene Zeni.

7 Q What did she say?

8 A She said that, you know, they were going through a

9 contentious divorce.

10 Q Did she say that he had her killed?

11 A No, I don't believe so.

12 Q Which is the person that said he had her killed?

13 A I don't know specifically.

14 Q Well, you told us before that someone said that. Who said

15 it?

16 A I don't know, Sir, we --(multiple speakers)--

17 Q You don't know.

18 A -- took multiple phone calls that day.

19 Q Do you take notes of these phone calls when people say that

20 someone had someone killed and they described who they are?

21 A All those phone calls didn't come to me.

22 Q Well, you're the detective in charge, weren't you?

23 A Right. I can't answer 40 phone calls in a day.

24 Q So you had 40 phone calls of people saying he killed her?

25 A That was the general. I said earlier to Mr. Skrzynski that

1 we had over 20.

2 Q I'm asking you, who said that he had her killed? You don't
3 know that?

4 A I don't know specifically, no.

5 Q But you acted and reacted on these comments of the security
6 system working and your -- these phone calls, these 40 phone
7 calls that you say came in about him having killed her and
8 acted upon that, is that a fair statement?

9 A No. We acted upon the statement from the interior decorator
10 that said she had knowledge that the camera system would be
11 working.

12 Q You told us Mr. Skrzynski on redirect that you -- you know,
13 that you were still investigating this. Well, you told us
14 on direct that you went back to the office at noon and you
15 were writing a report on the 21st, remember telling me that?

16 A Yes. It's still an open investigation.

17 Q Okay, but you were writing a report of what?

18 A What I saw, what we were doing.

19 Q Thank you. Oh, sorry. It's -- it's fair to say, Detective,
20 that you routinely have people sign these consent to search
21 forms, don't you? I mean, they're standard forms that you
22 carry within the police department, right?

23 A Yes. There are forms in the police department.

24 Q I mean, they're throughout the country, they're the same
25 form -- consent to search, you have those available, you

1 have them sign that people aren't suspects too, correct?

2 A I guess under some circumstances it's possible, but --

3 Q Sure. If you go to a drug house and some grandmother is
4 there and said, hey, your son's selling drugs, do you do a
5 consent to search of the house, she's got permission to
6 search it and so you have her search it, right?

7 A (No audible response).

8 Q That happens all the time. It's standard, right?

9 MR. SKRZYNSKI: Well, objection, --

10 THE WITNESS: I don't know, I can't speak to
11 it --(multiple speakers)--

12 MR. SKRZYNSKI: -- to the relevance of his
13 hypothetical. That has nothing -- he -- he testified that
14 your son's selling drugs, that's a crime, this man's
15 testifying that he doesn't know if there's a crime, he
16 doesn't know what it is. There's a big difference between
17 the hypothetical, it's irrelevant. His hypothetical is
18 irrelevant, that's my objection.

19 MR. SCHIANO: He asked a generic question
20 before, Judge, about the consent to search and I'm just
21 trying to clarify what he means by the fact that people can
22 -- he doesn't have people always sign a consent to search
23 form and it's just a follow-up to that question.

24 THE COURT: Well, but what does the
25 hypothetical have to do with that? I mean, you can ask him

1 --

2 MR. SCHIANO: Just that --

3 THE COURT: -- what his normal process or
4 procedure is, does he normally have them sign, does he not
5 normally have people sign consent to search?

6 MR. SCHIANO: It's a routine, Judge.

7 BY MR. SKRZYNSKI:

8 Q Isn't it fair that it's routine that you have people that
9 either could be suspects or not suspects sign a consent to
10 search form? Isn't that a fair statement?

11 A Sure.

12 Q Okay. Nothing further.

13 MR. SKRZYNSKI: I have nothing further.

14 THE COURT: All right. Do you have witnesses
15 that you are going to have testify on this issue, on the
16 consent to search?

17 MR. SCHIANO: No.

18 THE COURT: No? Just the detective?

19 MR. SCHIANO: Just the detective, yes.

20 THE COURT: Okay, very well then.

21 MR. SCHIANO: I'm sorry, I do. I do have one
22 witness, I'm sorry.

23 THE COURT: Okay. Could we call that
24 individual and just deal with the consent to search issue?

25 MR. SCHIANO: Yes. We would call Doctor Al-

1 . Tantawi.

2 THE COURT: Okay.

3 THE WITNESS: (Inaudible).

4 THE COURT: Yes, you may step down.

5 (At 12:08:36 p.m., witness excused)

6 MR. SCHIANO: Judge, can we just have
7 literally three minutes --

8 UNIDENTIFIED SPEAKER: Very briefly.

9 MR. SCHIANO: -- if we could? I -- just
10 consult really quick --(inaudible)-- we would like --
11 (inaudible)?

12 THE COURT: Sure. And, you know, if you'd
13 like we could take a lunch break at this time and --

14 MR. SCHIANO: That would be great.
15 Fantastic.

16 THE COURT: Okay. Let's come back at 1:00
17 o'clock.

18 MR. SKRZYNSKI: Well, Judge, wait a second.

19 THE COURT: Yeah.

20 MR. SKRZYNSKI: You know, I might have
21 another witness.

22 THE COURT: Okay.

23 MR. SKRZYNSKI: There was somebody else that
24 participated in what happened on the 21st and then not --
25 just before the consent. And that was his supervisor,

1 that's Detective Wehby.

2 MR. SCHIANO: That's fine. He can call --

3 THE COURT: Okay.

4 MR. SCHIANO: Want to call him now, or do you

5 want to wait -- we can do it after lunch, that's fine.

6 MR. SKRZYNSKI: Well, yeah, I could call him

7 right now if you like.

8 THE COURT: Well, okay, when we do this,

9 let's take a lunch break, we'll come back at 1:00 o'clock

10 and you can --

11 MR. SKRZYNSKI: All right.

12 THE COURT: -- call your witness and then --

13 MR. SKRZYNSKI: Thank you.

14 THE COURT: -- we'll proceed, okay? Thank

15 you.

16 THE CLERK: All rise.

17 (At 12:09:33 p.m., hearing recessed)

18 (At 1:09:33 p.m., hearing resumed)

19 THE CLERK: Your Honor, recalling People

20 versus Al-Tantawi, case number 2017-265355-FJ.

21 MR. SKRZYNSKI: Good afternoon, Judge, John

22 Skrzynski for the People.

23 MR. KEAST: Thank you, Marc Keast on behalf

24 of the People.

25 MR. SCHIANO: Michael Schiano on behalf of

1 the defendant.

2 MR. HART: Good afternoon, your Honor, Marc
3 Hart appearing on behalf of the --(inaudible).

4 THE COURT: All right then, call your next
5 witness.

6 MR. SKRZYNSKI: At this time we call
7 Detective Richard Wehby.

8 THE CLERK: Sir, please raise your right
9 hand. Do you solemnly swear to tell the truth, the whole
10 truth and nothing but the truth?

11 MR. WEHBY: Yes, Ma'am.

12 RICHARD WEHBY

13 (At 1:10:05 p.m., witness sworn, testified as follows):

14 THE CLERK: Okay. The door pulls out, just
15 watch your step and you may be seated.

16 DIRECT EXAMINATION

17 BY MR. SKRZYNSKI:

18 Q Would you state your name please and spell your last name?

19 A Richard Wehby, W-E-H-B-Y.

20 Q What is your occupation, Sir?

21 A I'm a sergeant with the Farmington Hills Police Department.

22 Q How long have you been with the Farmington Hills Police
23 Department?

24 A I've been with Farmington Hills Police Department for 22
25 years.

1 Q And before that did you work as a police officer anywhere
2 else?

3 A Before that as a police officer in the city of Memphis,
4 Memphis, Tennessee for approximately six years and then six,
5 seven months in Oak Park when I moved to Michigan and then I
6 came to Farmington Hills.

7 Q So Memphis six years?

8 A Yes.

9 Q And then --

10 A Twenty-nine years all in total.

11 Q Twenty-nine years. Okay. How long have you been a
12 detective?

13 A I became a detective in -- I was uniform patrol in Memphis,
14 uniform patrol --(undecipherable)-- Oak Park, Farmington
15 Hills, I joined in '96. I was a detect -- I was a patrolman
16 til 2000. From 2000 to 2005 I was in the Nar -- a
17 specialized Narcotics Unit, so I was classified as a
18 detective, narcotics surveillance consortium, and then when
19 I came out of there in 2005 I worked the road for
20 approximately a year and I became -- and I got moved to the
21 Detective Bureau as a detective in two thousand -- May of
22 2006, I believe, and I was there until I got promoted. In
23 2012 I went to the -- back to the road as a road supervisor
24 from 2012 and I got moved to the Detective Bureau as a
25 sergeant, it'll be two years this March.

1 Q Okay. So, approximately how long you been --(multiple
2 speakers)--

3 A So as far as -- sorry about that, as long as a detective,
4 seven years. No, I'm sorry, five years narcotics, five
5 years -- 12 years.

6 Q All right, 12 years. And Detective, you worked homicide
7 investigations before?

8 A Yes, Sir.

9 Q How many?

10 A Here in Farmington Hills as a detective, as an OIC of
11 investigation, six.

12 Q Okay. And you've worked other manners as well?

13 A As a -- as a uniformed patrol officer, yes, I've responded
14 to numerous -- especially when I worked down south in
15 Memphis, a lot of homicides. Farmington Hills we don't --
16 it's not like a big city where you got a lot of homicides,
17 so we average about one a year, maybe two, and I've pretty
18 much been involved at some point, whether a uniformed patrol
19 or as a detective on all of those.

20 Q Okay. Let me point out the date of August the 21st of 2017.
21 Were you acting as a detective at that time?

22 A I was responding to -- I was a supervisor. The Detective
23 Bureau is separated into two bureaus, there's a Squad B
24 Sergeant and a Squad A Sergeant, I'm in charge of Squad A.
25 I was and route from my home to -- from my residence to work

1 in the morning when I was called by the Squad B Sergeant,
2 who works different hours, comes in a little bit earlier
3 than I do, he called to advise me that he had sent one of my
4 detectives out to a suspicious death scene.

5 Q Okay.

6 A And I altered my course on the way in and got the address
7 from him and then I drove over to the address where
8 Detective Molloy was.

9 Q And that's 36933 Howard?

10 A Correct.

11 Q Okay. What happened when you got there?

12 A I arrived on scene, paramedics had already cleared. There
13 was -- Sergeant Harlow was on scene, Officer Jordan, Officer
14 Ahmad, Detective Molloy and Detective Hammond. There was
15 Mr. -- I don't know how to refer to him, Doctor Bassel Al-
16 Tantawi was there, Muhammad Al-Tantawi was there, his -- and
17 his two sisters were there.

18 Q Okay. And Muhammad is in the courtroom today?

19 A Yes, he is sitting in the blue shirt with the white
20 undershirt, no tie.

21 Q Okay.

22 A Not to be confused with --(inaudible).

23 Q All right. You almost nailed him. Okay.

24 MR. HART: I'd like to go home tonight --
25 (inaudible).

1 MR. SKRZYNSKI: Okay.

2 BY MR. SKRZYNSKI:

3 Q When you get there what happens?

4 A When I get there I observed father, Bassel, in the driveway.

5 I believe Muhammad, his sister, Aya, and Sidra were inside

6 the residence.

7 Q Did you come to know how old Muhammad was?

8 A Not at that moment. At some point in time during that day I

9 did, yes.

10 Q How old was he?

11 A He was 16.

12 Q And do you know how -- did you come to learn how old Aya

13 was?

14 A Aya was I believe 14.

15 Q Okay.

16 A And Sidra was 9. I'm not sure about the...

17 Q Okay. Did you have much contact with Sidra that day?

18 A No, Sir. I was advised she's -- has some learning

19 disabilities, is not very verbal or doesn't do well with

20 strangers. She is -- she can talk and she is -- can

21 communicate, she attends school but she's not comfortable

22 around new faces until she gets to know them.

23 Q Okay. So when you tell -- you meet Sergeant Haro and Mr.

24 Al-Tantawi where was it, at the garage you said?

25 A That was in the driveway, yes. And Mr. Al-Tantawi was not

1 with Sergeant Haro at the time. We were speaking privately.
2 I did not speak to Bassel when I first got there and
3 Sergeant Haro was kind of giving me the lowdown on what was
4 going on. He said there's three kids in the house, he's the
5 dad, he's got a tether, he's out on bond, he's not supposed
6 to be at the residence, but he explained that there's no
7 other family members that they could call in order to come
8 over for the children, especially Sidra, so they told him to
9 go ahead and come to the residence even though he was going
10 to be in violation of his probation or bond with the 47th
11 District Court.

12 Q All right. But he was -- he was the homeowner?

13 A Correct. He was the homeowner, yes.

14 Q Okay. He just was instructed by a court not to have contact
15 with those people?

16 A No, he was --(multiple speakers)-- have contact with the
17 children but he could not have contact with the victim,
18 Nada, or be at the residence.

19 Q Okay. Be at the residence.

20 A Correct.

21 Q Okay.

22 A But due to the circumstances of having no other relatives,
23 immediate relatives we were -- I did not speak directly with
24 Muhammad or his sister, I was told by Detective Molloy that
25 there is no other family in country but there's an aunt, I

1 believe an aunt and uncle in England and everyone else lived
2 in Syria. So at that particular moment there's no one to
3 turn the children over to and there was no relatives.

4 Q Okay. And that's why --

5 A That's why Doctor Bassel was called to the residence, even
6 though he was going to be violated in the court order that
7 -- the court order did not prohibit him from having contact
8 with the children, so to facilitate with the children,
9 that's why the father was called to the scene.

10 Q Okay. When you -- did you have contact with Mr. Al-Tantawi?

11 A After I spoke to Sergeant Haro I went inside the residence,
12 brief -- offered condolences to Muhammad and Aya and I
13 talked -- or Detective Molloy was inside the residence. At
14 that point in time I walked outside and asked for the -- how
15 to get to where the body was laying and I was advised -- so
16 I walked out of the house, the residence, walked down the
17 side of the house to where evidence technician Swanderski
18 was already on the patio taking pictures. There was a body
19 underneath a white blanket that the paramedics had covered
20 up laying on the patio and I briefly looked around the scene
21 there, the open window, I noted the spray marks on the
22 window, I noted the dent --

23 Q When you say you looked at the scene?

24 A I observed the scene as to where the victim was laying
25 covered in a blanket, I could see the -- approximately at

1 that point of the level of the house it would be a third
2 story, the window was open, the one half of the window was
3 open, I could see the screen had been removed, I could see
4 that there was an opaque film, something dripping down the
5 closed window, like it had been sprayed with some type of
6 fluid. I noted that there was a dent in the stucco
7 approximately four or five feet below the window ledge and I
8 noted a white towel on the ground. I noted an empty water
9 bottle and I noted a set of like iPhone, the white earbud
10 cords that were sitting off approximately 10 feet on top of
11 the --

12 Q A bench?

13 A A bench or --(undecipherable)-- a bench, it's a part of the
14 wall or half wall that was over there.

15 Q Okay. All right, and did you assess the scene?

16 A I made that brief assessment, yes, as far as --

17 Q What were you told when you got there? I mean --(multiple
18 speakers)--

19 A I was advised --

20 Q -- what was your understanding?

21 A I'm sorry?

22 Q What was your understanding?

23 A My understanding was that the victim had -- was cleaning the
24 upstairs window of that bedroom and she must have fell out,
25 somehow she ended up on the patio floor.

1 Q Okay. Now, when you see the -- what is your impression of
2 the scene when you see there?

3 A My impression of the scene right then and there, again, the
4 body is covered, I could tell the proximity of where the
5 body laid to the residence, I could tell that it was very
6 unkept (ph), it wasn't like a -- the patio area -- that part
7 of the yard or residence did not tend (ph) to be used at
8 all. There was weeds 2 feet high growing up between the
9 bricks on the -- the paver bricks. It did not look like a
10 well-kept area that you would be that concerned about what
11 it looked like as far as cleaning windows and stuff like
12 that. But it was not like a well manicured lawn in the
13 back. The patio was overgrown, there was not -- it didn't
14 look like it was well cared for.

15 Q Okay. In your mind did the position of Mrs. Huranieh, did
16 that -- or Ms. Huranieh, did that comport with what you
17 understood to be the --(multiple speakers)--

18 A With -- with the idea that she was -- that nobody saw it,
19 that nobody at this time we knew had seen anything, said
20 that she was cleaning -- must of been standing on the ladder
21 cleaning the window and she fell out the window. My
22 observation was that the way the position of the body of --
23 would have been different than what was projected there on
24 the ground. At that time I had not talked to any of the
25 fire department guys, I don't know if the body had been

1 moved yet or if there was any manipulation of the body. I
2 just know that for somebody that was leaning out of a
3 window, I couldn't picture in my mind how you could lean out
4 of a window and fall and hit the side of a building. You'd
5 be falling away from the window. It struck me as odd that
6 -- and you would be further away than where you were --
7 where the proximity to the wall.

8 Q So you're making a motion with your hand and your arm, I
9 mean, you were -- you're sort of going like that?

10 A I was concerned that if somebody's leaning out of a window
11 --

12 Q Yeah, show us with your hand what you mean.

13 A If you're leaning out of a window you would fall -- and tend
14 to fall away from where you are standing.

15 Q Your head -- the head is where your hand is?

16 A Yeah, I'm sorry, this would be my hand. I'm sorry, I missed
17 the shoulder (ph). The -- that you'd fall, whether you're
18 facing this way or this way you would fall and your head
19 would be the furthest object from the house. I found it odd
20 that the head was the closest part of her body to the house.
21 And it was a very short distance away. I could not picture
22 in my mind how that could happen naturally cleaning the
23 window.

24 Q Did you see any signs of blood around there?

25 A At that point in time, no, Sir, I did not see -- again, she

1 was covered with a blanket.

2 Q Okay. Do you eventually see her without it?

3 A Correct.

4 Q And what about at that time?

5 A The -- I would have -- again, I would have, especially

6 seeing numerous car accidents, natural accidents, trauma to

7 the head, trauma to the body, the distance I estimated about

8 25 feet or better that there would be --

9 Q That she fell?

10 A That she fell, the body fell, that there would've been --

11 and the way she landed on the back of her head, that the

12 head was laying on the -- the back side of her head was

13 laying on the concrete blocks, that there would've been some

14 type of blood pooling or blood on the concrete or on her

15 body.

16 Q But there was --

17 A I did not -- I did not observe any blood on the concrete, I

18 did not move the body. I did observe some blood that was on

19 her -- like streaking down her cheek and it was later

20 determined that that was due to a medical procedure that

21 they had -- when they tried to intubate her, so I was

22 advised that that's what caused the blood.

23 Q Okay. All right, so what do you do at that point now?

24 A At this point in time I'm going to go back into the house

25 and look at the area that she fell from, and again, the

1 earlier conversation with Sergeant Haro and advised it was
2 an accident, there was rumors of past suicide attempts,
3 there was the estranged father, there was -- there was a
4 bunch of stories swirling around.

5 Q Before you went up to the room did you do anything else
6 outside?

7 A I -- while I was there before I went into the first -- I
8 started looking around the house because I looked up and
9 what I saw was a hornets nest and I thought it was a camera
10 and then I took a better look at it and I'm like, oh, it's
11 just a damn hornets nest, but I turned and look but there --
12 and I saw the camera over here in the -- on the eaves
13 underneath the gutters and then as I stepped back I could
14 see another one further up the house going towards the
15 garage area going to the north I guess.

16 Q Okay, so then what do you do at that point?

17 A I walked back up around that way confirming that the --

18 Q Which way?

19 A Back through the grass towards the garage --

20 Q Okay, like around --

21 A I'm sorry, yes, Sir.

22 Q The bottom of that diagram?

23 A Correct.

24 Q Okay.

25 A And I observed that there was another camera up there, I

1 walked past the kintry -- kitchen entry door from the
2 outside and walked around the garage and went back into the
3 house and made my way up to the room that had the window
4 open above where the victim was laying.

5 Q Do you know if the -- the defendant and his siblings were
6 still on the scene at that time with their father?

7 A They were still on the scene at that time -- at the moment I
8 went upstairs they were on the scene. When I came back
9 down, unbeknownst to me, Sergeant Haro had given permission
10 for Mr. Al-Tantawi to take the kids out of the residence
11 while we did our investigation and they said they were
12 taking them to Panera or taking them somewhere to get
13 something to eat.

14 Q Did you confer with anybody regarding those cameras before
15 you went upstairs?

16 A No, Sir.

17 Q About whether they were --(multiple speakers)--

18 A I mentioned -- I might have mentioned to Detective Molloy,
19 because I did have a discussion with Detective Molloy, I'm
20 not sure if it was then or after, and he said that he had
21 already asked both the father and the son and they said that
22 to their knowledge those cameras were on the residence when
23 they purchased it and that they've never been used.

24 Q Okay. Then you go upstairs?

25 A Correct.

1 Q Okay, what do you see?

2 A I go upstairs to the room that had the open window where the
3 woman allegedly fell out of the window and I walked in,
4 stood in the doorway of that entrance. The first thing I
5 noticed was a -- like a three step ladder that was directly
6 in front of the open window --

7 Q And that was what was depicted in Exhibit 5?

8 A I -- I'd have to look at Exhibit 5 and see.

9 MR. SKRZYNSKI: Thanks, Judge.

10 BY MR. SKRZYNSKI:

11 Q Is that Exhibit 5?

12 A Yes, Ma'am. This is -- yes, Sir, this is the -- this is how
13 the room looked when I walked into it, this is how the set
14 up looks. There was some type of -- I thought it was a
15 fancy hanger but evidently something that you get wrinkles
16 out of your clothes over here, and there was a three step
17 ladder right directly in front of the open window, this
18 window was open, the screen was here to the left --

19 Q The screen is to the left of the window?

20 A Correct.

21 Q It's taken out?

22 A Yes, Sir, it's removed from the window.

23 Q And it's leaning on the floor?

24 A There's -- you can't really tell from this one, you can see
25 a little bit of the streaking, there had been some type of

1 fluid that was sprayed on the outside of the closed window
2 and I also observed the bucket with some type of unknown
3 liquid in it. I observed a bottle of Tilex sitting on the
4 top step. That struck me as odd, and I observed her cell
5 phone -- or a cell phone, I didn't know if it was hers, a
6 cell phone that was vibrating on the dresser. You know,
7 when you don't -- it will say that you got messages and it
8 looked like she had four or five messages that hadn't been
9 responded to.

10 Q Okay. And what do you -- what is your assessment of that
11 scene?

12 A My assessment of that scene, the first thing that struck me
13 as odd was the positioning of the ladder directly in front
14 of the window that -- and the Tilex that was on top of it.
15 I figured if you're cleaning the window and you're standing
16 on the ladder and you slipped, that that ladder would have
17 slid, it would have moved out or fell over. Something would
18 have caused it to fall over or move from being right there
19 perfectly in that location in front of the window. And
20 also, I found it odd that if somebody was standing on -- if
21 they were standing on the ladder and it slipped out from
22 under them that the Tilex bottle would still be standing.
23 It was a full -- pretty much a full bottle and it -- I think
24 that top-heavy it would have tipped over onto the floor.
25 That struck me as odd.

1 Q All right.

2 A And it also struck me as odd is that if they said she was
3 cleaning the window that there were no rub marks or streaks
4 in the opaque liquid that had been sprayed on the outside,
5 whether it was Tilex or whatever it was. It wasn't like
6 anybody was in the process of cleaning it. There was no
7 white marks, it was all just where somebody sprayed it and
8 it was just dripping down, there were no smear marks or
9 anything like that.

10 Q Okay. What happened then? So what is your -- what's --
11 what's going through your mind? What is your plan of action
12 at this point?

13 A At this point in time it's like you're still trying to
14 figure out like -- still trying to figure the scene out. Is
15 it possible this woman was cleaning the window and just fell
16 out the window, you know, standing on the ladder. It was
17 just -- the little things, like the Tilex, the no pooling of
18 blood at the bottom of the -- where she laid, no obvious
19 signs of physical injuries like bones protruding out or, you
20 know, indented heads or something from landing from 29 feet
21 onto concrete. None of that was noted. But I mean, is it
22 possible? I mean, I don't know, I wasn't there, I don't
23 know how she went out the window. How did that dent get put
24 on the side of the wall? Was she hanging from the window
25 and kicked it? What -- you know, it's all sorts of

1 different things. You're trying to figure out what is the
2 scenario that this happened?

3 Q And what happens then?

4 A I did look out the window to get a view from -- just to get
5 a better shot of the distance. At that time I can get a
6 better shot of -- or a better view of the indentation on the
7 stucco and from what I could see it appeared to be strands
8 of black hair that were sticking out of the stucco that were
9 -- it looked like fresh damage to the stucco and it looked
10 to be hairs. Again, I'm 5 feet away, I'm looking at it, I
11 could see the hairs, could it have possibly been some type
12 of material used for the building of that little ledge, I
13 don't know, but I know it was something that I thought was
14 strands of hair, so I made note to the evidence technician
15 that to try and to zoom in when they're taking pictures and
16 get pictures of the -- if that's hair in there.

17 I also observed a -- what I would at the time
18 didn't know it was a Band-Aid. It looked like something --
19 a brown piece of something on the windowsill on the inside
20 of the residence.

21 Q And where was that on -- which windowsill?

22 A On the open window.

23 Q Okay, and where on the sill was it?

24 A It would -- almost -- it was on the bottom on the inside of
25 the residence on the flat part and it was just like just

1 right there on the edge. It was just like, you know --

2 Q Was it on the side of the closed window or the open window?

3 A It was on the -- I'm sorry, I thought -- it's on the open
4 windowsill.

5 Q Okay. All right. And you said it was dark hair?

6 A Yes, Sir, it appeared to be darker hair.

7 Q And Ms. Al-Tantawi -- Ms. Huranieh had dark hair?

8 A Correct.

9 Q Okay. What happens next?

10 A I am going to proceed to make my way down -- back
11 downstairs. Like I said, it's a very big house, there's two
12 sets of stairwells and the one that I had come up I had
13 inadvertently walked past, so I'm walking across the length
14 of the upstairs of the residence and I observed the
15 bedrooms, they're kinda -- the doors are open, look and see
16 there's a bedroom, there's a bedroom, there's a bedroom. I
17 get to the end of the hallway where the stairwell goes down,
18 there's like a workout room there, the door was open to
19 that, you could see a weight bench and workout equipment in
20 there. I walked in there, glanced around, didn't see
21 anything out of the ordinary. I turned, there's a sauna,
22 built in sauna, there's -- it kind of leads into a restroom
23 area where there's a bathtub, toilet, the laundry tub/sink
24 and a washer and a dryer.

25 Q And did you make any observations about the washer and

1 dryer?

2 A When I walked in the washing machine is the first thing on
3 my right when you walk in, I just happened to glance over
4 and I could see that it was -- the digital display was
5 flashing an error code. And it was an open front, it's a
6 front loading washing machine so it's a glass door, and I
7 could see that the water was built up inside the washing
8 machine. I could see what was -- I would describe as a bath
9 mat wet sitting in the water up against the glass and I
10 could also see flakes, like little rubbery flakes floating
11 in the water and stuck to the front of the glass door.

12 Q Okay.

13 A I just thought that was odd.

14 Q (Undecipherable)?

15 A I mean, it was -- you know, your washing machine's backed up
16 --

17 Q Yeah.

18 A -- why you wouldn't try and fix it, why would you let the
19 water stand in there or whatever, you know, so.

20 Q Did you make any observations of the dryer?

21 A The dryer's also a front loader with the wash. I could see
22 that inside there there was a pair of -- the thing that
23 struck me as odd about it, there's was a pair of blue jeans
24 and a pair of white underwear. I was wondering why you
25 would wash darks with whites. I figured that, you know, you

1 -- you know, I'm not the greatest clothes washer in the
2 world either, at least I know that, you don't mix blues and
3 whites together, especially jeans because the close will
4 run.

5 Q Okay, what do you do --

6 A Or the colors will run and make the white stuff blue, you
7 know, powder blue or something.

8 Q Okay. So what do you do next?

9 A I left out of that room and made -- went down the stairwell,
10 which dropped me out front by the garage and I went back
11 outside. I think that was about the time that the medical
12 examiner was showing up approximately, and Mr. -- Doctor
13 Bassel and the kids were already gone. That's when I
14 thought that they left.

15 Q Okay, and the medical examiner, what happened when that
16 person came?

17 A The medical examiner came and we got out evidence tech who
18 is still just taking pictures of the outside of the
19 residence and she joined him as far as removing the sheet,
20 taking pictures of the body, taking pictures of the hands,
21 any marks on the body, and they rolled the body over, they
22 took pictures of, you know, the signs of lividity and stuff
23 like that on the body.

24 Q When they rolled the body over did you make any
25 observations?

1 A I noticed that it was damp underneath there but it was like
2 just wet damp, there was no -- there was not -- there was a
3 spot of blood may be one inch, if that, by a half inch of --
4 it seemed like around the head area.

5 Q Was there -- you said it was wet damp, had it been raining?

6 A No, Sir, it had not been raining.

7 Q Okay, did you notice the back of the -- of Ms. Huranieh's
8 pants, what she was wearing?

9 A Yes. She was wearing some type of like pajama pants.

10 Q And what -- did you make observation about that?

11 A That was damp around the crotch region -- the crotch region
12 also there appeared to be blood down there, like maybe --
13 like on the clothes, like it was her time of the month or
14 something like that.

15 Q Okay, but the amount of dampness on her pants, how would you
16 characterize that?

17 A There was the front and the back of her pants were soaked
18 wet, like the whole pants weren't wet, it was the crotch and
19 waist area and stuff like that.

20 Q Okay, and then actually -- there was actually a damp mark on
21 the patio --

22 A On the patio, yes.

23 Q -- that's where she was lying?

24 A Correct.

25 Q Okay. What happens then?

1 A They take their pictures, the evidence tech took pictures,
2 they were just processing the body. They were noting, you
3 know, any jewelry she had on, they were -- the examiner or
4 the investigator from the Medical Examiner's Office was
5 taking his notes, he's asking his questions as he's filling
6 out his paperwork and wanted to know if there was any type
7 of medication, wish on any medication that we knew of,
8 because usually the prosecutor -- or the investigator will
9 take any medications that a person is on, you know, in case
10 it was a possible OD. They always take the medication. He
11 was just asking general questions about the scene and what
12 happened.

13 Q All right, did -- now you said the -- Mr. Al-Tantawi and the
14 children were gone.

15 A Correct.

16 Q Did they take the body away at that point?

17 A No, not at that point. At that -- while I was down there
18 with the medical examiner Mr. Al-Tantawi came back to the
19 residence --

20 Q Oh, they hadn't left?

21 A No, they had left.

22 Q Oh.

23 A They had driven back -- they had come back from eating
24 breakfast --

25 Q Oh, okay.

1 A -- and at this point in time I was asked by Sergeant Haro,
2 he said that Mr. Bassel -- Doctor Bassel wanted to see his
3 wife's body.

4 Q Okay.

5 A We were standing -- Sergeant Haro had come down and asked
6 me, I walked back up with him to where Mr. Al-Tantawi was
7 standing in the driveway, the kids were still in the car,
8 Muhammad was in the front seat and the girls were in the
9 backseat of the van, and I told him that we could -- we
10 would take him down there to view his wife's body. I said
11 under no circumstances is he to touch her, touch the body
12 bag that she was going to be in or anything, he'd have to
13 stand a distance away and he could observe the body. I
14 wanted to make it very clear to him because we've done this
15 in the past before and it -- and I've had instances where
16 people will become too emotional and they'll go to grab hold
17 of the body or hug the body one last time or something like
18 that, so I was making it very clear to him that he's not to
19 touch the body or get near the body, so he was allowed to
20 come down. He walked with Sergeant Haro and I down to the
21 steps that would lead up to that little raised patio and
22 that's where he stood.

23 Q Okay. And what about the three kids?

24 A They remained in the car to my knowledge.

25 Q They weren't there --

1 A When I left with the doctor and Sergeant Haro they were
2 still in the car.

3 Q Okay. What happens then? Well, let me ask you this, why
4 did you not want him to touch the body or touch the body
5 bag?

6 A This is still an ongoing investigation. We don't know what
7 transpired. If this was a suicide, if this was accidental
8 or this was a homicide, we don't know. We don't have enough
9 facts to make a declaration either way, either of the three
10 ways. So, in case something did pop up I didn't want any
11 type of contamination from Mr. Al-Tantawi with the body, if
12 there was gonna be evidence that was recovered from the body
13 at the Medical Examiner's Office.

14 Q Okay. In your own mind we looking at a homicide?

15 A No, I -- I truly did not have a clue as to what was going
16 on. I just knew that something was not -- something in the
17 back of my head saying this -- something is not right.
18 There's -- something's just not adding up between -- one
19 thing in and of itself could have been explained away, but
20 when you start adding up the positioning of the body, the
21 lack of any blood or evidence on the concrete, lack of
22 injuries to her, the use of Tilex, cleaning the window at
23 5:30 in the morning when it's still dark out or, you know,
24 that time of the morning, you know, you're not even going to
25 be able to see what you cleaned. You know, the ladder not

1 being felt -- not being knocked over, the wash spray bottle
2 on top, things just -- all these little things were adding
3 up but it didn't say one way or the other, and that's we do
4 an investigation, is to -- can we point this to a suicide;
5 can we point this to an accident; can we point this to a
6 homicide? That way we'll know. We could shut it down, we
7 know it's -- figure out it's a suicide, if it's accidental
8 we can --(undecipherable)-- accidental, or if it's a
9 homicide we know we got more work to do.

10 Q Okay. What happens then? Did they remove the body?

11 A Yes, Sir, they removed the body.

12 Q All right, that was after --

13 A And I was there, Sergeant Haro walked Doctor Bassel back up
14 to where he'd come from, up in the driveway, and I would go
15 ahead and assume that at that point in time they probably
16 took the kids and went inside the house and the medical
17 examiner guys wagon showed up and they loaded up the body
18 there. They were already there and they already had the
19 body in the black bag and then they zipped it up and they
20 carried her out.

21 Q Okay. After that what happened?

22 A We again addressed evidence technician to remind her about
23 getting good pictures of the outside of the house where the
24 indentation was to try and get a closeup and I advised -- I
25 again advised her at that time that she needed to get the

1 fire department back out there to get a closer up picture of
2 it to do that, she was able to do that with -- from the
3 bedroom window, get a closer picture of the --

4 Q Oh, without the fire department's aid?

5 A Yeah. But we subsequently later on, after more information
6 was available, we did get a search warrant the fire
7 department was called back to the scene and we were able to
8 retrieve those hairs out of the --

9 Q Okay. Now, what happened then?

10 A After that it was go back to the office and sit down and
11 discuss what all we've got trans -- what's transpiring here
12 and figure out what we got. Try and see if we can make a
13 determination as to what we have, or what we need to do to
14 determine what we have.

15 Q So when you got back and you talked about those things did
16 you first of all no what you had?

17 A No, Sir.

18 Q And secondly, did you know what to do to determine those
19 things?

20 A We needed to -- now we wanted the background, find out -- we
21 knew that Mr. -- Doctor Bassel had had a tether on his
22 ankle, or I did get the task (ph) Detective Smith with
23 getting in contact with each other company to determine the
24 points to make sure that he was -- wasn't at the residence
25 until we told him to come, and that showed that he was not

1 there, so it kinda, you know, proved that he was not in the
2 area. Could he have slipped the tether, could he have cut
3 the tether? That's always a possibility, but as of right
4 then and there we knew that he was not -- had not been in
5 that area for a while.

6 Q Okay. And this is on the 21st?

7 A Correct.

8 Q Okay, go ahead.

9 A And again, there's a time when I was notified by Detective
10 Molloy that there was -- receiving some phone calls from
11 different people talking about how the ex-husband was very
12 abusive and there was all these court orders against him,
13 they're going through a nasty divorce and all this other
14 stuff and it's like they were trying to get information from
15 us and we're like, we wouldn't even tell them the condition
16 of the victim. We didn't say she was deceased or not. I
17 think the attorney demanded to know what hospital she was
18 taken to. I said, "Ma'am, we're still on the investigation,
19 we're not giving out that information." Unless it's HIPAA
20 stuff we're not -- you know, if you're -- I'm talking to you
21 on the phone, I don't know who you are, you can say you're
22 an attorney all day long. You want to come here, we can
23 discuss things.

24 There were other phone calls that were --

25 Q Did that attorney tell you those cameras work?

1 A No, not at that time she didn't. She did ask about a
2 surveillance system. I said, "To my knowledge whatever
3 information was provided at the house is that those camera
4 systems were -- the cameras on that house came with the
5 house when they bought it and they don't utilize them."

6 Q Okay.

7 A At that point in time I didn't know anything about an
8 interior decorator or have information on an installer.

9 Q All right, so this is still on the 21st?

10 A Correct.

11 Q All right.

12 A And also, at that -- at some point in time Detective Gerrick
13 (ph) and I, two women showed up unannounced at the front
14 desk, wanted to talk about the victim, they were trained
15 with her or she was their trainer at the Franklin Athletic
16 Club.

17 Q That's where she worked? That's where --

18 A That's where the victim, Nada, worked, and she was very
19 concerned -- they were very concerned about her, that she
20 was -- she had confided in them so they gave us a lot of --
21 they were giving us a lot of background information about
22 the divorce and --

23 Q There's nothing specific about the --(multiple speakers)--

24 A Nothing that they could --

25 MR. SCHIANO: Judge, I just -- I don't mean

1 to interrupt, again, we're dealing with consent to search
2 and --

3 MR. SKRZYNSKI: I understand. Yeah.

4 MR. SCHIANO: -- a statement -- we're sort of
5 way, way --(inaudible).

6 MR. SKRZYNSKI: All right.

7 THE COURT: We are a little far afield from
8 that.

9 MR. SKRZYNSKI: Okay.

10 BY MR. SKRZYNSKI:

11 Q But, did that complete your involvement that day?

12 A As far as that day, yes. I'm still tasked with assigning
13 out other cases and getting other assignments out and over
14 -- running my squad's cases and stuff like that while
15 Detective Gerrick and Detective Molloy worked on their
16 aspect of it. They were going to dig more into the
17 relationship and the divorce and the kids and everything and
18 the background information.

19 Q Okay. Did you go to the Howard address the next day, the
20 22nd?

21 A Not the first time that Detective Molloy and Detective
22 Hammond went there. I went back there with them after.

23 Q Afterwards?

24 A After we reviewed the video.

25 Q So you are not present when that DVR was seized?

1 A Correct.

2 Q Okay. But you did -- well, let me ask you a question, what
3 is -- how do you -- how do consent forms work? What are
4 they -- what do you do with those?

5 A We have a standard consent form that is generally utilized
6 for someone that's in custody and let's say it's a narcotics
7 case or there's evidence of the crime that we think may be
8 on their phone, will ask them to sign a consent to search
9 form just to go through their phone, go through their
10 electronic devices, things of that nature.

11 Q When they're a suspect?

12 A When they're in custody and suspects --

13 Q Okay.

14 A -- being interviewed, you know, whether they -- even if they
15 -- even if they invoke Miranda you can still go back and ask
16 if they'll give consent to search, can we use that to
17 document that they gave consent to search that device or
18 that location. But in general, no. On traffic stops you
19 have to search somebody's car, no, we do not pull a -- the
20 form out and have them fill out the form to say will you
21 give us consent to search your motor vehicle? At the
22 Prosecutor's Office everybody --(undecipherable)-- the fact
23 your camera's on, you got it on tape them giving consent,
24 verbal consent, that that's fine.

25 Q Okay.

1 A So, and --

2 Q Are you required to give them their constitutional rights?

3 A Not that I'm aware of, no, not for a consent search. If you

4 asked somebody can I look at your cell phone, they can give

5 you consent to look at their cell phone, you can look at

6 their cell phone.

7 Q Okay.

8 A They're giving consent. You can't threaten them to do it,

9 you can't do anything like that, but as far as reading them

10 the actual form to search their car or to search everything,

11 no. But if I'm going to use that form like on a suspect to

12 get into his phone, especially after he's already invoked, I

13 will read that form verbatim and have them read it also to

14 make sure they understand what's going on.

15 Q Okay. If you have somebody who's cooperative and you want

16 to search something what would you do? What do you do?

17 A I would ask them, is this -- I could use the form, I could

18 use a recording device like Detective Molloy did.

19 Q Okay. Is what Detective Molloy did acceptable?

20 A Yes. It's standard practice as far as that's why we

21 utilized that -- that app on application on the phone, is to

22 tape interviews. Because usually you have to tape -- in the

23 old days you have to, you know, have a big recorder with a

24 tape and everything, push buttons and stuff. It's just so

25 much easier with this apps that we have on our phones and

1 it's a lot more natural because everybody's got cell phones.
 2 People -- you know, you see somebody with a cell phone and
 3 it's push a button and you're recording. It's a lot
 4 clearer, it's easy to forward the video to somewhere, it's
 5 easy to save, it's a lot less hassle than having to tote
 6 around a recording machine with tapes and flipping tapes
 7 over and stuff like that.

8 Q Okay. So that was -- and you did not go to the house on the
 9 22nd?

10 A I did but not --

11 Q Not at the --

12 A Not at that time, correct.

13 Q Okay, so it was just Molloy and Hammond that went in the
 14 earlier part of the day to get the DVR?

15 A And I specifically asked Detective Molloy when he called and
 16 said they had it, I asked did you get consent, he says yep,
 17 and I got -- and I recorded it. Okay, we're good.

18 Q Okay.

19 MR. SKRZYNSKI: As far as this hearing is
 20 concerned, your Honor, I think I have no further questions.

21 THE COURT: All right, very well.

22 CROSS-EXAMINATION

23 BY MR.- SCHIANO:

24 Q Sergeant, fair to say you were at the scene on Howard Road
 25 fairly late in the game that morning then?

1 A I arrived -- I had to be to work at 8:30 so I probably got
2 the phone call about 8:20, I --(undecipherable)-- I live a
3 very distance away, I probably got there around 9:00. The
4 fire department's already done what they were doing, the
5 body was covered up.

6 Q Okay, and you indicated that the father had been there too,
7 correct? The father was there? Doctor --(multiple
8 speakers)--

9 A Correct. I'm not sure how long he had been there. I know
10 he was called to the scene.

11 Q Okay, and you had conversations with him, correct?

12 A No, Sir.

13 Q You had no conversation with him, okay. From 9:00 o'clock
14 until -- what time did you leave the residence yourself?

15 A It was -- I was one of the last people to leave, it was
16 around noon, between -- was after 12:00 but I'm not sure
17 exactly what time.

18 Q Around there. So your department on this odd situation,
19 you've described it as odd, that's the word yourself used,
20 Molloy used, Jordan's used, it was odd, right?

21 A Correct.

22 Q Okay, and the best you can say here at this point is that
23 the Farmington Hills Police Department has had one homicide
24 a year for the years you've worked there, correct?

25 A That would be average. Average one.

1 Q Tell me, are the general orders of the Farmington Hills
2 Police Department in regards to consent forms?
3 A (No audible response).
4 Q You know what a general order is, right?
5 A Yes, Sir, I'm very aware of what a general order is.
6 Q Tell --
7 A If you'd like to look at my phone I can pull it up, our
8 general orders on the phone if you want me to find out?
9 Q Well --
10 A To my knowledge, no, I do not know there is -- no, there's
11 not I don't believe.
12 Q Okay, and in terms of consent, you've been an officer for 29
13 years, correct?
14 A Correct.
15 Q And you're telling us that you've only used consent to
16 search forms on suspects in 29 years?
17 A I've rarely used consent to search forms. I rely on taped
18 verbal and --
19 Q Well, 29 years ago you weren't using taped verbal were you?
20 A No, but I mean, since I've been here in Farmington Hills.
21 Down south, no, trust me, it was -- we were using tape
22 recorders down there.
23 Q No.
24 A Up here with the equipment, the -- we -- everything is now
25 -- there's a lot of things now are required to be recorded

1 or to be documented if you had the capabilities to do it.

2 Q Sure.

3 A So we'd use a video recording device to do that.

4 Q Okay. Well, what I'm asking in this case, you do have these

5 forms available?

6 A Yes, Sir. There is a file that detectives carry. Some

7 detectives carry them, some people don't.

8 Q Were you aware that Detective Hammond had one with him on

9 the date of August 22nd?

10 A No, Sir.

11 Q You weren't aware of that?

12 A I was not aware of it.

13 Q Okay. Did you talk with the detectives before they went out

14 to the house on the 22nd?

15 A Yes.

16 Q You had a game plan worked out, right?

17 A I said from based on --

18 Q Just -- I'm -- did you have a game plan? I don't need to

19 know what you said, did you have a plan with them?

20 A The plan was to go out and confirm that the recording device

21 either existed or didn't exist.

22 Q And to seize it, correct?

23 A With consent, see if you can get them to give it to you with

24 consent to look at it, to review, if it's present and

25 working.

1 Q And you're aware of the consent forms what the languages on
2 those forms, correct?

3 A I would have to see the -- I would have to see the exact
4 form. If you have a copy of our form I'd love to look at it
5 and I'll read it for you.

6 Q You've never seen a consent to search form?

7 A No, I've seen a consent form, do I have what it says wrote
8 to memory, no, I do not, Sir.

9 Q What is your understanding of what a consent to search form
10 says?

11 A You're giving the city -- the Farmington Hills Police
12 Department specifically upon doing the searching, Sergeant
13 Wehby permission to look at this device and in that blank
14 area I would put what item it is I'm looking at. A cell
15 phone, a laptop, car, a house, whatever. If I'm going to
16 put that in there that I sign -- I have them read it and
17 then I have them sign it and then I witness it.

18 Q And the form doesn't have -- your forms don't say anything
19 about their right not to excess -- or not to agree to that?

20 A I -- no, I did not say that it did not say that. It does
21 say that. As to the exact wording I would have to look at
22 the form. I do not have it to memory.

23 Q And so you know that the person, the suspect or the witness
24 or the person that's -- has a constitutional right not to
25 give you that property, correct?

1 A Correct.

2 Q Okay, and you are aware and you talked about that with
3 Hammond and with Molloy before they went out there, that was
4 part of your game plan, is to get this, whether it was with
5 a consent form or by this alleged verbal consent, fair to
6 say?

7 A To go to the residence to confirm whether or not a DVR or
8 copy of the security camera existed and if it did, try to
9 get consent for that device so that we can rule out what
10 we're looking at here, if we can figure out this is a
11 homicide, a suicide or an accident.

12 Q Try to get consent, that was your language though, correct?

13 A Yes.

14 Q Did you -- I mean, were you aware of whether or not Molloy
15 asked permission to audiotape Bassel or not?

16 A I'm sorry, what?

17 Q Were you aware whether or not Detective Molloy asked
18 permission to tape record Bassel at the time?

19 A I was not there, and no, he's not required to.

20 Q Okay. So he did?

21 A I don't know if he did or not, I just know that I wasn't
22 there and I'm saying he's not required to.

23 Q He's not required to, okay. Going back to your
24 investigation portion of this case where you had indicated
25 it was odd, you had some questions about the scene, fair to

1 say that the area where you examined in the upstairs bedroom
2 there was fairly pristine?

3 A Yes. The immediate bedroom was, the bathroom was kinda
4 hectic because there was tons of makeup in there, but other
5 than that it was -- the room itself was -- yes, the bed was
6 made, the drawers were all intact, there was not any clutter
7 laying around.

8 Q There was no scene of a struggle of any type in that room,
9 fair to say?

10 A It did not appear to be any type of struggle had taken place
11 in that room.

12 Q Did you see any drag marks on the wood floor, bloodstain,
13 drag marks, sweat, anything of that nature?

14 A At that time, no.

15 Q Okay. Did you see any marks going up and down the stairs?

16 A I observed that there were specs on the carpet going up but
17 it didn't strike (ph) me as to what it was. It looked like
18 the upstairs needed to be vacuumed is what it looked like.

19 Q But you never secured any of this evidence on the date of
20 August 21st?

21 A No, Sir. On August 21st I did not.

22 Q You never -- matter-of-fact, you had these concerns about
23 the house but you never secured the area of any type,
24 correct?

25 A The house was secured as far as -- when we were there --

- 1 Q Let me rephrase that just so we're clear, on August 21st at
- 2 12:00 o'clock when you left you didn't secure the scene,
- 3 fair to say?
- 4 A Fair to say I did not secure the scene.
- 5 Q Okay. You didn't leave any police officers there, correct?
- 6 A At that time, no, Sir.
- 7 Q And matter of fact, you didn't come back til some 25 and 1/2
- 8 hours later, correct? When you went to --(multiple
- 9 speakers)--
- 10 A Yeah, correct. When Molloy and Hammond went there, yes.
- 11 Q You talked about this fall position and no one knows how
- 12 this woman fell out the window at the time that you say you
- 13 saw the body, correct?
- 14 A Correct.
- 15 Q You have no idea what part of her body hit first at the time
- 16 that you saw the body laying there in terms of whether it
- 17 was the head, the feet, the back, the buttocks --
- 18 (undecipherable)-- correct?
- 19 A Correct.
- 20 Q And again, that could explain why there was no blood at the
- 21 time too, correct?
- 22 A I'm sorry, you're saying --(multiple speakers)-- depending
- 23 on how she landed whether or not there was blood?
- 24 Q Yeah.
- 25 A Yes.

1 Q Okay. Do you recall how long the family was gone for and
2 you had free access to the house during that period of time?

3 A It was maybe an hour, if that.

4 Q And during that period of time how many of the Farmington
5 Hills Police Department had access to the entire house and
6 walked through the entire house? Do you recall?

7 A The only people -- persons that I recall being inside the
8 house were evidence tech Swanderski, she's also listed as
9 Tribe (ph) on -- it's the same person, Officer Tribe and
10 Officer Swanderski. Myself, and I don't recall if I was
11 ever upstairs with Detective Molloy at the time. I know
12 that -- because the kids were in the house that they were
13 kinda staying down in that area. Officer Ahmad, he didn't
14 have -- he didn't go around the house, or I didn't see him
15 walking around the house, that's it to my knowledge.

16 Q Well, you said that you worked a number of homicides, you
17 said six while you've been here in Farmington Hills,
18 correct?

19 A Yes. Three -- or two of those have been cold case
20 homicides, but --(undecipherable).

21 Q And you have information on the 21st, you see the cameras
22 that are located throughout the house and the family members
23 tell you they don't think they're working, that's what they
24 tell you, right?

25 A They said that they have never been used since they've lived

1 there.

2 Q Okay, but you never verified that?

3 A Other than asking the 16-year-old, no, I had not.

4 Q You understand what I mean by "verify," right? Did you have

5 a -- do you understand what the word "verify" means?

6 A I am very aware of what the word "verify" means. As far as

7 --

8 Q So in other words --

9 A -- how do you want me to verify it?

10 Q Well, you looked through the house, right?

11 A Yes, I did look through the house.

12 Q You saw equipment -- DVR equipment and other equipment

13 throughout the house, correct?

14 A I saw electronic equipment in the basement and under the

15 stairwell and that's the only electronic equipment that I --

16 as far as anything recording device. They also had a big

17 screen television down there and a lot of gaming stuff for

18 the kids downstairs.

19 Q But you had free access to the house for over an hour,

20 correct?

21 A Correct.

22 Q And you -- you never, ever took the time to find out where

23 these cameras came back from the house is what you're trying

24 to tell us?

25 A Again, Sir, it's almost an 8,000 square-foot house, I'm not

1 searching, I am just checking areas. I'm not opening
2 drawers, I'm just checking open areas of the residence
3 looking to see if I see anything, see a suicide note, see
4 evidence of a struggle somewhere, see something obvious
5 laying out. That's all I'm doing. I'm not opening up
6 drawers, I'm not turning equipment on, pulling cords, I am
7 just observing.

8 Q You said it was odd.

9 A Correct.

10 Q You said it was odd and this raised your suspicion as to the
11 body location, how the body fell, there's no blood, but you
12 don't go looking for the cameras are hooked up to, just to
13 verify that this story was true, is that what you're saying?
14 It's a yes or no -- yes or no, did you verify --

15 A It's not a yes or no answer. I don't know, I'm not an
16 electrician, I don't do -- I can follow a cord, yes --

17 Q But you're a homicide investigator?

18 A But I'm not an electrician.

19 Q And you're trusting what a 16 year old tells you that --
20 about a camera working or not, is that what you're saying?

21 A Yes. The person that would have the -- the person that is
22 alive and oldest in that residence would have the most
23 information about that system and he tells me they've never
24 used it, he's never seen his parents use it, it was on my
25 house when they bought it.

1 Q He told Detective Molloy that the mother accessed by the
2 cell phone, do you recall that test -- you are sitting here
3 for that testimony?

4 A I was sitting here for that testimony, yes.

5 Q You heard that?

6 A Yes.

7 Q So at some point he told Molloy that the mother accessed it
8 by telephone, so obviously, she must be accessing something
9 I take it, right, cameras?

10 A I don't know what she's accessing on her phone.

11 Q Well, that's what you -- that's the two guys were told,
12 right?

13 A That's what Detective Molloy was told, I wasn't told that.

14 Q But you are working together, right, you guys don't talk to
15 each other?

16 A We aren't standing beside each other the entire time. He's
17 got information that I might not know about until later on
18 and we talk about it.

19 Q Okay, but, you know, you have this plan, you guys -- you've
20 had a lot of plans in this case, did you not talk to each
21 other and say, hey, my wife looking at her phone on video
22 security camera, maybe something is working?

23 A I don't refer to it necessarily as plans, I --
24 (undecipherable)-- our procedure of what we do. The only
25 plans we had were the next day to go over and see if this

1 video camera was recording --

2 Q Sure.

3 A -- was present.

4 Q Sure.

5 A Our plan, as you call it, is our job. We go and we

6 investigate to determine what has transpired.

7 Q I appreciate that. So tell me, when Molloy hears about the

8 security camera and you decide not to go verify if anything

9 works, that was part of your for our investigation of the

10 house, is that right?

11 A I was advised that the cameras do not work, the equipment in

12 the basement is not related to the camera system. That was

13 the only equipment that we were aware of in the residence of

14 an 8,000 square-foot house nobody went behind the furnace on

15 the third floor and looked for electronic devices to be

16 stored in that area.

17 Q Okay. But you had free access to the entire house is what

18 I'm asking you, right? No one told you you couldn't go in

19 there, right?

20 A No one denied us entry anywhere.

21 Q Okay. Matter of fact, they left the house, right?

22 A Correct.

23 Q Going back to your laundry skills for a second.

24 A Okay.

25 Q The washer and dryer that you see, you don't know how long

1 the washer had been on pause for any period of time,
2 correct?
3 A Correct.
4 Q Could have been for 12 hours, correct, from the night
5 before?
6 A And it could've been 12 minutes. Don't know.
7 Q Don't know. And the clothes that were in the dryer, do you
8 know if they were male or female clothes?
9 A At that time, no, I did not.
10 Q Did you take --
11 A They looked like -- I'm sorry, I take that back, the whitie
12 tighties looked like boy underwear, yeah.
13 Q Okay, did you take them out and look at them?
14 A No, Sir.
15 Q Did you pull them out and see --(multiple speakers)--
16 A At that time, no, I did not. I just know they were --
17 Q If we don't talk one at a time one of us is going to get in
18 trouble here, so we both talk fast, I apologize. You didn't
19 pull the clothes out of the dryer, you just saw them,
20 correct?
21 A Correct, through the open -- the clear window.
22 Q Clear enough. Anything else -- so you didn't open it up and
23 pulled them out is what I'm asking, you just looked through
24 the glass?
25 A No, Sir, I did not open them up and pull them out.

1 Q And the same with the bath mats that you saw floating in
2 water, you didn't pull that out and take a look at that
3 either?

4 A No, Sir.

5 Q And you never secured any of this evidence then, correct?

6 A No, Sir. Again, at that time I didn't realize --(multiple
7 speakers)--

8 Q Okay. Nope, that's great. You were aware that the
9 daughter, Aya, had told Detective Molloy that the mother was
10 up cleaning early every day, correct? You heard that
11 testimony?

12 A She said that she got up in the morning and did things
13 around the house, yes, before getting the kids up for
14 school.

15 Q Cleaning, right? That's what the testimony was, right?

16 A Yes.

17 Q Okay, so you said that was odd too even though the daughter
18 had told you that the mother was up cleaning early every
19 day?

20 A No, Sir, I said cleaning a window at 5:30 in the morning was
21 odd to me. As far as getting up and cleaning and vacuuming
22 and doing dishes, no, that's not odd.

23 Q She didn't tell you what she was cleaning -- Aya didn't say
24 what she was cleaning, she was just cleaning the house,
25 right?

- 1 A I believe the -- I don't know what his testimony was, but --
2 (undecipherable)-- report it says that she gets up in the
3 morning and she'll vacuum, do some light cleaning, she gets
4 her coffee, as a bite to eat, gets her makeup on and then
5 wakes the kids up for school.
- 6 Q Okay. You were aware that there was the order in effect
7 that the father was not allowed back at the house, you
8 talked about the tether, correct?
- 9 A Correct.
- 10 Q And you verified the fact that he wasn't anywhere near the
11 scene, correct?
- 12 A I personally did not. I had one of my detectives, I believe
13 it was Detective Smith, do that.
- 14 Q And that was all part of the fact that when you left the
15 house at 12:00 o'clock not knowing whether this was a
16 suicide, a homicide or an accident, that you wanted to
17 verify some of this information, correct?
- 18 A Correct.
- 19 Q All right.
- 20 A Especially with the past history of the domestic --(multiple
21 speakers)--
- 22 Q Sure, sure, sure. And you had used the word, there was an
23 abusive relationship here, correct?
- 24 A From doing a --(undecipherable)-- search of the residence,
25 the previous calls, it shows there was some domestic issues,

- 1 some domestic arrests, he is on tether for domestic, and we
2 also combined it with the phone calls that we were getting
3 of people saying that he was abusive and all this other
4 stuff, let's run his tether, find out if he was anywhere
5 near the house.
- 6 Q And he was not allowed at the house, correct?
- 7 A He was not -- he was not allowed within a certain distance
8 of the house. I'm not sure what that distance was.
- 9 Q Well, you know the orders are on the computers, you can say
10 where it says he's not allowed to see her or be on the
11 premises, correct?
- 12 A I already said that. Yeah, but he -- you're saying at the
13 residence, he can't be within a certain distance of the
14 residence is what I'm saying --(multiple speakers)-- and he
15 can't be by her. He can see the kids.
- 16 Q Exactly. That Band-Aid that you saw, that was on the ledge
17 where she had fallen off, correct?
- 18 A It was on the inside of the window on the --
19 (undecipherable)-- makeup --(undecipherable). And again,
20 I'm not a hundred percent sure it was a Band-Aid. It was
21 kinda the same color brown, it was kinda crinkled on one end
22 so it looked like -- I did not inspect it to see if it was
23 verified as a Band-Aid, it was a piece of material that was
24 on the --(multiple speakers)--
- 25 Q Did you take that as evidence?

1 A I told evidence tech Swanderski to take that.

2 Q Okay. So in terms of what was taken on the 21st it was a

3 Tilex bottle, a rag and a Band-Aid to the best of your

4 knowledge?

5 A That is what she was told to take.

6 Q Okay.

7 A I don't believe she took the Band-Aid.

8 Q Oh, she didn't take the Band-Aid?

9 A I have not seen it and I think there was some discussion

10 that she did not take it, but I'm not sure.

11 Q Even though you asked -- you asked her to take it?

12 A I directed her to take it, yes.

13 Q And that's basically what these evidence technicians do, by

14 the direction of you sergeants and detectives, you direct

15 them what to take, what to photograph, what to secure as

16 evidence, fair to say?

17 A Fair to say they have a standard protocol of pictures that

18 they normally take, the front of the house, outside of the

19 house, they're standard pictures, then they will come to the

20 detectives and ask is there anything else particular that

21 you want or anything special that you want done, and that

22 was things like the hairs in the side of the stucco. Take a

23 sample of that water in the bucket, you know, things of that

24 nature when we're -- then later on we do the search warrant

25 it became more entailed because more stuff was discovered.

1 MR. SCHIANO: Well, if I can have a moment,
2 Judge?

3 THE COURT: Yes.

4 MR. SCHIANO: Thank you.

5 MR. SKRZYNSKI: Just a couple things.

6 REDIRECT EXAMINATION

7 BY MR. SKRZYNSKI:

8 Q When you are there on the 21st and you are in the bedroom
9 and you were asked if you had observed the drag marks and
10 you said no, were you looking for them?

11 A No, Sir.

12 Q Okay. Did you subsequently find some?

13 A Yes.

14 Q And that was on the 22nd?

15 A Correct.

16 Q When you went there with a search warrant?

17 A Correct.

18 Q And you are making a more detailed inspection?

19 A Correct.

20 Q Because something had changed in the meantime, had and it?

21 A Correct.

22 Q What was that?

23 A We reviewed the video.

24 Q Okay, and the video was the one we saw in court just a
25 little while ago?

1 A That was part of it, yes.

2 Q All right. I believe there was more to it than that too?

3 A Yes.

4 Q All right. So by the time you go back you're convinced
5 somebody else was --(multiple speakers)--

6 MR. SCHIANO: Judge, I'm gonna just object
7 again, this is leading --(multiple speakers)--

8 MR. SKRZYNSKI: I'm sorry.

9 MR. SCHIANO: -- on the scope of the --

10 MR. SKRZYNSKI: Well, okay. Well, he's
11 bringing up all the stuff they didn't do on the 21st as
12 though there's some kind of, you know, sin involved here,
13 and I'm simply saying that at the time that they went there
14 on the 21st there was no crime, by the time they go there on
15 the 22nd there was obvious evidence that something else had
16 happened there. I'm just bringing that up to the courts
17 attention. But I'll go on. (Inaudible).

18 BY MR. SKRZYNSKI:

19 Q Did you find out -- you said that there was a lot of makeup
20 in the bathroom and the guest room where the ladder was? Is
21 that correct?

22 MR. SCHIANO: I'm going to object, that's
23 beyond the scope of recross -- or redirect --(multiple
24 speakers)--

25 MR. SKRZYNSKI: No, he asked about it --

1 MR. SCHIANO: -- didn't ask --(multiple
2 speakers)-- about makeup.

3 MR. SKRZYNSKI: That's why I'm asking, he did
4 say that on direct.

5 THE COURT: He did.

6 MR. SCHIANO: Yeah, but on cross I asked --

7 THE COURT: I did hear him --

8 MR. SCHIANO: -- nothing about it.

9 THE COURT: -- say it.

10 MR. SKRZYNSKI: This is -- well, I mean, he
11 --

12 MR. SCHIANO: No, on cross I asked nothing
13 about it, I'm saying it's --

14 THE CLERK: Counsel, one of the time.

15 MR. SCHIANO: All right.

16 MR. SKRZYNSKI: Okay.

17 THE COURT: Yeah, one at a time. It works
18 both ways for recording purposes whether it's the witness
19 and the attorney or two attorneys.

20 Go ahead, Mr. Skrzynski.

21 MR. SKRZYNSKI: Judge, that's why I'm
22 bringing this up, is because it did come out on cross. He
23 was talking about the fact that there was makeup in there.

24 MR. SCHIANO: Judge, I --

25 MR. SKRZYNSKI: Because he was asking about

1 the tidiness of the room, and he said the room itself was
2 tidy but the bathroom there was a lot of makeup in there.

3 THE COURT: He did.

4 MR. SCHIANO: I apologize.

5 THE COURT: That's quite all right, but he
6 did say it.

7 MR. SCHIANO: That's fine.

8 THE COURT: You may proceed.

9 MR. SKRZYNSKI: Okay.

10 THE WITNESS: I forgot what you asked.

11 BY MR. SKRZYNSKI:

12 Q All right. Let me ask you again then, okay? You said that
13 there was makeup in the bathroom of that guest room where
14 the ladder was.

15 A Correct.

16 Q How much makeup?

17 A The entire counter was covered. Every drawer was opened up
18 and filled to the max with whether it was some type of
19 lipstick, nail polish, I mean, every drawer had something in
20 it and they were all opened and the entire countertop was
21 covered with makeup stuff.

22 Q When Mr. Schiano was asking you about what Ms. Huranieh's
23 regular routine was in the morning, as told to you by Aya,
24 you mentioned that Aya said that she'd get up and she did
25 certain things and then she'd go put her makeup on, did she

1 say where that was?

2 A On the second floor, the room with the window open that she
3 supposedly fell out of.

4 Q Okay, so that --(multiple speakers)--

5 A That's what she considers her makeup room, that's the only
6 thing that room is utilized for, is for her to have an area
7 that she can prepare herself and do the makeup in.

8 Q And according to the information you got from Aya, that
9 would happen every day?

10 A Correct.

11 Q Do you know if Mr. Al-Tantawi was ever violated for being in
12 the restricted area on the 21st of August?

13 MR. SCHIANO: Again, I think that's outside
14 the scope of -- I did not ask him about that --(multiple
15 speakers)--

16 MR. SKRZYNSKI: Well, he was talking about
17 the fact that he was -- they talked extensively about the
18 fact that he was restricted from being not only at the
19 residence but from an area surrounding the residence. Also
20 brought up the fact that -- that the detective had contacted
21 the -- the tether company and the tether company stated that
22 he was not in that area, except when he came that morning
23 after being summoned by the police. And my question is,
24 simply, do you know, do you know if he was ever violated for
25 having been in the restricted area on the morning of August

1 the 21st.

2 THE WITNESS: Was he violated for being there
3 on the 21st?

4 BY MR. SKRZYNSKI:

5 Q Yes.

6 A No, Sir.

7 Q Okay. All right, and that was because -- and you explained
8 to the tether company that it was on your request?

9 A Actually, I believe it was Detective Smith and Detective
10 Molloy who explained it to his probationary officer and I'm
11 not sure who notified the tether company that that is not
12 going to be considered a violation because he was called to
13 the scene by the police due to the unforeseen circumstance.

14 Q Okay.

15 MR. SKRZYNSKI: Thank you, I have nothing
16 further.

17 MR. SCHIANO: No recross.

18 THE COURT: All right, thank you, you may
19 step down at this time.

20 THE WITNESS: Leave these or take them with
21 me?

22 THE COURT: You can take them with you if
23 you'd like? I don't know if they're out of order though.
24 While you're at it you can take this one with you too.

25 Thank you.

1 (At 2:09:09 p.m., witness excused)

2 MR. SKRZYNSKI: Judge, as to the consent
3 issue, that's it, I rest.

4 THE COURT: That's it, okay.

5 MR. SCHIANO: We plan on calling one witness.

6 THE COURT: I'm sorry?

7 MR. SCHIANO: We're planning on calling it
8 witness.

9 THE COURT: Okay, go ahead.

10 MR. SCHIANO: Doctor Al-Tantawi.

11 THE CLERK: Sir, yep, right here.

12 MR. AL-TANTAWI: Oh, come up --(inaudible).

13 THE CLERK: The door pulls towards you. You
14 can step in, just watch your step, yep, and remain standing.
15 Please raise your right hand. Do you solemnly swear to tell
16 the truth, the whole truth and nothing but the truth?

17 MR. AL-TANTAWI: Yes, I do.

18 BASSEL AL-TANTAWI

19 (At 2:10:40 p.m., witness sworn, testified as follows):

20 THE CLERK: You may be seated.

21 THE WITNESS: Thank you.

22 THE COURT: Before you begin, Mr. Schiano, I
23 just want to --

24 You may be seated, Sir, go right ahead and be
25 seated.

1 THE WITNESS: Thank you.

2 THE COURT: We do have an active shooter
3 training --

4 MR. SCHIANO: We heard, yes.

5 THE COURT: -- this afternoon. Okay. I
6 just wanted to indicate that it's supposed to occur roughly
7 around 2:30 and they're going to be ringing cowbells I
8 believe to simulate shooting, so if you hear that, that's
9 what it is, and I just didn't want anybody to be surprised.

10 MR. SKRZYNSKI: Thank you, your Honor.

11 THE COURT: Okay?

12 MR. SCHIANO: Thank you, Judge.

13 THE COURT: We're not leaving, we're not
14 doing anything, I'm not participating. You may continue.

15 THE WITNESS: And I stay here, right?

16 THE COURT: Yeah, you stay right here. Yes.

17 THE WITNESS: All right.

18 DIRECT EXAMINATION

19 BY MR. SCHIANO:

20 Q Doctor, could you say your full name for the record?

21 A Bassel Al-Tantawi.

22 Q And how old are you?

23 A Forty-eight.

24 Q And Doctor, your son is Muhammad here in court?

25 A Yes.

1 Q And how many other children do you have then?

2 A (Undecipherable)-- two.

3 Q And their names are?

4 A Total three. Sidra, she's right there, and Aya.

5 Q Okay. Doctor, I'm gonna sort of cut to the chase here.

6 Back back on August 21st of 2017 where you allowed to be at
7 the premises of Howard Road?

8 A I was subpoenaed by the police, yes. Yes.

9 Q Back up. Was there an order protection not allowing you to
10 have contact with Howard Road at the time?

11 A Yes, there was.

12 Q Sometime on the 21st did you receive a phone call to go to
13 the house on the 21st?

14 A Correct. Yes.

15 Q Tell me what happened.

16 A So I used to live in Canton at that time and sometimes
17 between 7:30 I think, around 7:30, morning, I got a call
18 from an officer and asking me to come right away to the
19 house. And he gave me the tragic news of my wife had
20 accident and her injuries are severe. So, right there I
21 told him, that officer, I want to make sure you are aware
22 that I'm on a tether, I'm not allowed to be there. He said,
23 "Yes, Sir, we know that, but you still need to come like
24 right now to care for the kids."

25 Q How far away were you at the time, do you recall?

1 A How far away I was?

2 Q Yeah.

3 A Yeah, in Canton on --(undecipherable)-- 25 minutes. I have

4 to go on Ford Road, then all the way up north to 75.

5 Q At some point you do arrive at the house on Howard Road,

6 correct?

7 A I think around 8:00 o'clock, yes.

8 Q And at 8:00 o'clock you met with your children I take it,

9 you talked to your children?

10 A Initially, I met the officers outside the garage. I have

11 three attached garage door, I meet the officers and then --

12 yeah, I met with the officers initially.

13 Q What, if anything, did the officers tell you when you

14 arrived on the scene?

15 A So I arrived in the driveway and -- it's a long driveway,

16 about 400 feet. Up there I see officer just walked in,

17 Detective Molloy. I'm trying to remember, you know, it's

18 been 13 months exactly today, 13 months, so I remember

19 Detective Molloy, Sergeant Haro, H-A-R-O, and some other

20 police officers met me in front of the second garage door,

21 in front of it. I came down panicky, you know, stressed

22 out. On the way over I called the tether company just to

23 make sure that I'm okay because I was picked up before.

24 Anyhow, so I wanted to make sure that they're hundred

25 percent right. When I arrived there devastated I was -- I

1 had contact with Detective Molloy and Sergeant Haro.

2 Q Okay, and they informed you of your wife's condition at that
3 time, correct?

4 A Yes. And I was devastated right there.

5 Q Okay, and --

6 A Of course, they told me she is -- I mean, now everybody
7 knows.

8 Q Did there come a time --

9 A She passed away.

10 Q Okay. Did there come a time that morning that you and your
11 children left the residence?

12 A That morning, yes.

13 Q Where did you go?

14 A I went to take them to breakfast because they were
15 devastated and they didn't eat anything.

16 Q And did -- what, if anything, did the Farmington Hills
17 Police Department say to you in terms of allowing you to go
18 and do that? Did they say anything to you?

19 A They were already at my house, so many police officers, when
20 I arrived in and outside the premises, so I walked in the
21 house and I see my kids and there's a police officers all
22 the way in the back, now I remember Officer Ahmad, A-H-M-A-
23 D, beside my daughter, Aya, who was on the phone, and then
24 there are police officers I think everywhere, in and out.

25 Q My question was though, what, if anything, did they say to

1 before you left to go to Panera or what did you say to them,
2 do you recall?

3 A I have to ask them for permission, you know, to care for the
4 kids and to take them to eat something. They gave me
5 permission to leave.

6 Q And do you know what they were doing when you left? Where
7 were they? Were they inside the house, outside the house?

8 A Again, yes, inside and outside the house.

9 Q Do you recall giving them permission to do anything inside
10 the house?

11 A No. They were already there.

12 Q And what time did you arrive back at the house, if you
13 recall?

14 A So just before noon I think.

15 Q Okay.

16 A Like late morning.

17 Q And when you got back at noon do you recall at what time the
18 Farmington Hills Police Department left your residence that
19 day, the 21st?

20 A I'm sorry, can you repeat?

21 Q What time did they leave the residence on the 21st?

22 A It was Monday, we come back from Panera, which is like
23 close, about like -- I can't remember when we came back from
24 Panera. I think around noon time.

25 Q Okay. All right, and --

1 THE COURT: I'm sorry, I didn't -- around
2 what?

3 THE WITNESS: Noon. Noon time.

4 THE COURT: Around noon, okay.

5 BY MR. SCHIANO:

6 Q You came back around noon, my question was, when did the
7 Farmington Hills Police Department leave the residence, do
8 you recall?

9 A Let me try to remember. When I came back Sergeant Haro was
10 there I remember, other officer were there, afternoon
11 sometimes. Maybe in the afternoon.

12 Q 12:00, 1:00 o'clock?

13 A Yeah, probably 1:00 clock, yes.

14 Q Okay, and the next time you hear from the Farmington Hills
15 Police Department was when?

16 A Later on that day. Around 3:00, 4:00 p.m. I think I got the
17 call from Detective Molloy and at that time he's calling me
18 telling me, Bassel, did you tell the kids that your wife
19 passed away? I'm like, "Not yet." I'd just like a few
20 hours, I'm trying to prepare them. And how can I tell
21 Muhammad, Aya and Sidra like right now? What -- the kids
22 knew at good point -- at this point that she had -- she's in
23 the hospital at Beaumont and she had severe injuries. So
24 you need to give me time. I cannot just throw this
25 bombshell on them. He said, "Bassel, you have a small

1 window." I remember exactly what he say, like this, "You
2 have a small window." I'm like, "Why?" He said, "People
3 are calling," and he quoted a name --(undecipherable)-- last
4 name, Zeni. She's -- he told me, I said, what's happening,
5 and he said like she's been calling and asking questions all
6 the time and, you know, and you need to tell the kids like
7 right now, it's small window. I'm like, "This is unreal.
8 What she have to do with this? Why she asking you question,
9 what she's calling you for? I need to -- I need time."

10 Q Okay.

11 A With my kids.

12 Q All right, so that conversation happened at 3:00 o'clock on
13 the 21st?

14 A 3:00 to 4:00 o'clock.

15 Q Okay. When was the next contact you had with the Farmington
16 Hills Police Department?

17 A The next contact, again, Detective Molloy, and Detective
18 Jason Hammond came to my house next day, would be Tuesday,
19 August 22nd, around 2:00 p.m., give or take.

20 Q Did they call you before that or did they just show up?

21 A Yes, they did call me. Detective Molloy call me. I
22 remember exactly he call me like a few minutes before and he
23 asked me, "Hi, Bassel," I'm like, "Hi," and I had his name
24 saved and I know that it was Detective Molloy. I think he
25 said Detective Molloy. I said, "Yes, Hi, Ryan, Detective

1 Molloy." He said, "Where are you, Bassel?" I said I'm home
 2 and I was preparing the kids to all go to pick up Aya and
 3 leave. I didn't tell them that, but so anyhow, I said I'm
 4 home. He said, okay, and he hang up and then maybe 10
 5 minutes, I don't remember exactly how many, but it's been
 6 short time, he showed up on my door with Jason Hammond.

7 Q And what happened then?

8 A Then they knock the door, I think first they were trying to
 9 -- they were outside the house, they knock the door -- I
 10 opened, so I have multiple -- the house had multiple doors,
 11 so the main door which usually do not use, the Detective
 12 Hammond, Detective Molloy were standing right there and then
 13 they came to the side door, which I opened, and after they,
 14 you know, knock the door or rang the bell, and then
 15 Detective Molloy start conversation and asked to -- I mean,
 16 with all respect to everybody here, but I have to say the
 17 truth, all right, so please, you know, he start saying
 18 something --(undecipherable)-- does not make sense to me --
 19 (undecipherable). He barge in my house with Jason Hammond
 20 talking about the cameras outside not working. I'm like,
 21 "What?" He said, "Cameras not working." I'm like, "I don't
 22 know, like I don't know what you're talking about."

23 And then he asked me where is the DVR? How
 24 you view the cameras or something to that -- to me. He's
 25 talking about the cameras not working. I told him I don't

1 know, I've been out of the house for about one and a half
 2 year, I just came yesterday, and then he start asking me
 3 more specific questions about those cameras not working and
 4 the DVR. And I told him I don't know what is a DVR, I don't
 5 know the monitor, I gave him the -- the whole time the
 6 system is old, more than 40 years, I don't know about any
 7 details. Then --(multiple speakers)--

8 Q Where in the house did he -- did he try taking you places in
 9 the house?

10 A I'm sorry?

11 Q Where did you go in the house after he came in?

12 A So right after that he start asking where's the DVR, where
 13 is the DVR, I said, "Sir, again, I don't know." And he
 14 said, "Follow me to the basement." At the door where he
 15 enter from, the side door, is like four or five feet away
 16 from the stairs down to the basement, he said, "Probably the
 17 basement." I said, "I don't know." So, he walked there
 18 with Jason and I'm following with them. And then he starts
 19 searching the house, searching the basement and the
 20 basement's like 4,000 square foot, and he opened closets and
 21 one of the closets had like --(undecipherable)-- devices,
 22 like the modem, the sound system. Anyhow, so he opened and
 23 we looked there and he said, "It's not there." I said, "I
 24 told you I don't know."

25 And where else it could be? "I don't know."

1 Then he kept searching on his own and he goes up all the way
2 to the second floor, the corridor, and there is a closet in
3 there so I gave him --(undecipherable)-- searching the
4 second floor hallway now and there's a closet there. He
5 opened one of them and he start searching it. And he see
6 two old DVD/VHS kinda, you know, player there and he said,
7 "Oh, this is an old one." And then he close that closet
8 door and he called a person, "Hey" -- her name is --
9 (undecipherable)-- she's an interior designer, and he put
10 his cell phone and he called Rhema --(undecipherable)-- and
11 he said, "Hi, Rhem, I did not find it," or something like
12 this. And then they start talking and I'm watching, like
13 what's going on here, I'm just like in this house as a
14 stranger, I have no say.

15 He's talking to somebody outside and then the
16 Reem (ph) guided him to call another person whose name is
17 Chris Enderman (ph), and I know Chris because he's the guy
18 who installed the camera system in my house from the
19 company, that's his company, which was referred to us by
20 Rhema --(undecipherable)-- interior designer.

21 Then, okay, so we take a pen and a paper
22 from, you know, his -- and he write down -- she gave him
23 Chris's number and name and then he hanged up with her,
24 thank you and hang up, and then he called Chris. Talked to
25 Chris and I tell him, of course he introduce himself,

1 Detective Molloy and I'm looking for this DVR and I was so
2 surprised that me in the house 40 years I don't remember
3 anything about where is the DVR. Chris, he gave him a very
4 detailed -- like a GPS location where is that DVR place?

5 So, he starts telling him, go here and then
6 open -- so right at the end of the hallway there's an
7 exercise room, he told me go to that exercise room, there
8 are multiple closet, and so he walked -- and is following
9 his instructions, he goes there, he see multiple closet, he
10 told him, not this closet, not this closet, he said
11 mechanical kinda closet we have with the furnace on the
12 second floor. You open that one and there you will find the
13 DNR -- the DVR.

14 Q All right, so stop for a second. When you opened the closet
15 where the furnace is, where was the DVR?

16 A So you open the closet like this, the furnace will be in
17 your face here, and then there's a lot of mechanical --
18 (undecipherable)-- or something and then on the left side
19 would be the DVR on the small table.

20 Q So was it in plain view when you opened the door?

21 A No, it wasn't. The door was closed.

22 Q No, when you opened the door and looked in the closet you
23 could see it though, correct?

24 A Yes.

25 Q Okay, that's my question.

1 A (Undecipherable)-- tight.

2 THE COURT: You could see the DVR when you
3 opened the closet doors?

4 THE WITNESS: Yes, when you opened the closet
5 door you will see the furnace tube, whatever you call it,
6 and then to the left side sitting there is the DVR.

7 BY MR. SCHIANO:

8 Q You said it's sitting there, what is it sitting on?

9 A A small like coffee table.

10 Q On the coffee table.

11 A Right.

12 Q It wasn't hidden, was it?

13 A No, it was sitting there -- always been there since --
14 (undecipherable)-- and that how Chris was able to locate it
15 to him, it was sitting there for 40 years.

16 Q Okay. At some point you're in the closet and the closet --
17 it's not a big closet, is it?

18 A No, it's very small.

19 Q All right, so there's -- the Detective Molloy, yourself and
20 Hammond are all in the closet or are you in the exercise
21 room?

22 A So now --

23 Q Where are you?

24 A I'm at the closet door, or just like --(multiple speakers)--

25 Q Were both detectives inside the closet, or not?

1 A So Molloy went inside the -- one of the --(undecipherable).
2 Q What did he do when he went into the closet?
3 A So Detective Molloy went in the closet and he start
4 unplugging the --
5 Q What did he do? Just tell me what he did.
6 A He took the DVR.
7 Q Okay. Did he say anything to you as he took the DVR?
8 A No, he was talking to Chris all the time asking Chris to --
9 or Chris is giving him instructions how to take it and first
10 how to turn it off and so it doesn't destroy anything and
11 then he start unplugging the wires, many wires from the back
12 --
13 Q What did you see him do with the actual equipment? Where
14 did he put it?
15 A So he took the DVR and he make a comment like, after --
16 (undecipherable)-- I hate when people teach me how to do my
17 work. And I'm looking like what's going on? I need
18 everything consent. So he took it and --
19 Q Slow down, slow down.
20 A Yeah.
21 Q You see him taking it out of the wall, unplugging it and
22 disconnecting it, right?
23 A Right.
24 Q My question was, did he put it in a bag, did he carry it,
25 how did he bring another --(multiple speakers)--

1 A Yes, he carry it and the -- yeah, he carry it with him. He
2 didn't put it in a bag. It's like this size.

3 Q Okay. You're using your hands to describe it, it is by two
4 feet by two feet?

5 A Yeah --(undecipherable).

6 MR. SCHIANO: Is that -- John?

7 THE WITNESS: About this big. It's like a
8 DVD player, all DVD players.

9 BY MR. SCHIANO:

10 Q All right. You see him put it underneath his arm and walk
11 out of the small closet into the exercise room or where did
12 he go with it?

13 A So right there --(undecipherable)-- about written consent
14 and --

15 Q When did -- when did you say that?

16 A Right there.

17 Q Okay.

18 A And he asked for -- they were talking about getting written
19 consent and Jason is like, "No." It was confusing so they
20 didn't give me a written consent. And then we start talking
21 about this and then he asked Jason to -- or -- Jason to take
22 me outside the closet and the room. So, Jason Hammond take
23 me outside leaving Detective Molloy inside on the door, that
24 closet or in that room. And we start now arguing about
25 everything consent, the consent issue. I told him I think I

1 need a written consent and then he said, "I don't think it's
2 needed." I'm like, "What do you mean, I need a written
3 consent to review and to --(undecipherable)-- my signature,
4 like I don't want you get that device." And then we were
5 talking. While Molloy is inside that room and I'm like,
6 "What he's doing there by himself?" With all respect, you
7 know? Beside that, wasn't -- the laundry machine where my
8 late wife, she used to wash her own things, stuff, and the
9 kids's stuff, clothes, like on --(undecipherable)-- and I
10 don't know what he's doing. This is like he's there. I was
11 so upset about the whole situation.

12 Q Okay. Well, there came a time where -- did you see him
13 bring out his cell phone and tape-record you at all? Did
14 you know you are being tape-recorded?

15 A I could not hear you.

16 Q Did you know you were being --

17 A Mr. Skrzynski was talking, I'm sorry.

18 Q Did you know you're being tape-recorded?

19 A No, of course.

20 Q Okay. At some point when you're talking with the detective
21 he asked you if it is okay to take it and you say, "I don't
22 know," do you remember saying that?

23 A Yes, of course. I said, "No, I don't know," because he
24 start -- actually, he came --(multiple speakers)--

25 Q Just -- just listen to my question --

1 A -- by quizzing me --

2 Q Okay. At some point you say, "No, I don't know," correct?

3 A Yes.

4 Q Okay, and then he asks you again later on during a

5 conversation -- where is that -- where does that happen,

6 the, "No, I don't know" comment, because it --

7 A It was --

8 Q -- is it on the second floor or is it on the stairs or is it

9 the first floor?

10 A It's near the stairs going out the house, the garage door.

11 From the second to the first floor, the main floor going

12 out.

13 Q Okay, so he already had taken it, put it underneath his arm,

14 walked out to the hallway and was walking down the stairs as

15 he's asking you these questions?

16 A Exactly. He was there by himself, he took it, he came out

17 and then he didn't even start talking about the consent, he

18 start talking about people calling him accusing me I have

19 something to do with my wife death, and he gave me a motive

20 and he make me very uncomfortable. It's like he's throwing

21 allegations right there on me. I'm like, "What you're

22 talking, this is insanity."

23 Q So he was --(multiple speakers)--

24 A He was --(multiple speakers)--

25 Q -- he was saying to you --(multiple speakers)--

1 A -- people calling me and saying that, you know, this is
2 something must have happened, you guys going through
3 divorce, money, large house. I'm like, "Wait a minute, this
4 is insanity. This is -- you cannot go by what people
5 telling you." So --

6 Q All right, just -- okay, so --

7 A All right. Okay, he already have it under his arm, walk out
8 from the closet from the exercise room through the hallway
9 on his way out the stairs going out of the house.

10 Q Okay. So, during that period of time when he's walking out
11 he asks you again, "Okay, you don't mind if we take it in
12 and take a look at it though," and your answer was at that
13 point either, "So, I don't know," or "No, I don't know." Do
14 recall saying that?

15 A I kept saying, "No, I don't" -- okay, he is throwing two
16 things on me. The first thing what I was totally focusing
17 on is the allegation. He's telling me Bassel, if you --
18 (undecipherable)-- out of the box or out of this situation,
19 something like that, you go, "Oh, man, something must have
20 happened." So he's right there saying some -- that my wife
21 incident, fall, has something -- it's August, must have
22 happened. He's accusing me with this. And also are taking
23 the DVR, which he already took it under his arm walking out
24 my house. He picked it up under his arm walking out and now
25 he's giving me a cause for why he's doing this, that I have

1 something to do with my wife death.

2 Q Okay, so at some point --(multiple speakers)--

3 A So I was --

4 Q At some point, just --

5 A Yeah.

6 Q -- just slow down. At some point you hear him say to the

7 Detective Hammond about a consent and you hear him say, "I

8 think we're good," is that -- is that what -- did you hear

9 that conversation?

10 A He -- one of them asking the other one about the consent --

11 written consent and one of them refused. He's like, "No."

12 Q Which one said "No"?

13 A It was between both of them, so I think Hammond said no.

14 Q So at some point --(multiple speakers)--

15 A And the --(undecipherable)-- took me out there, yes.

16 Q Okay, at some point then towards the end of the conversation

17 he asks you again, "We'll get it back to you," and you say,

18 "Uh-hem, I mean, I guess I don't have an issue with that."

19 What did you mean by that?

20 A Okay, so he took it. Now we are arguing, first with

21 Hammond, I need a written consent to work as a physician or

22 anything, any procedure, I need to put a signature, a

23 document, so it would not be confusing, nobody afterwards,

24 he said --(undecipherable). I need a consent to say no,

25 with my big no (ph). Now -- they said it's not needed, or

1 no, and refused to give me that. They already took it. And
2 he kept telling me about people calling him and saying this,
3 this, this, and I said, "Okay, then I think I don't have
4 any" --(undecipherable)-- "issues," keep fighting with you,
5 you're not listening to me.

6 Q Okay.

7 A You know, and then he tell me "Appreciate it." I'm like,
8 "Appreciate what?" And then I start -- I'm upset, this is
9 upsetting and then, "What's your name," I said, "Bassel Al-
10 Tantawi." I'm like this, and they walk away with it.

11 Q Okay. And when they said those words, "Bassel Al" -- that
12 was when they were already on the first floor going out the
13 garage or going out the door?

14 A He was on the -- by the stairs going down to the -- if I
15 remember to the first floor, yes, to the main floor going
16 out to the garage.

17 Q And that was after you came down from where the exercise
18 room was on the second floor, correct?

19 A Yes. We came out of the exercise room to the hallway, yes.

20 Q Doctor, you were banned from that house though, correct?

21 A We were by those stairs --

22 Q Doctor --

23 A Yes?

24 Q You were banned from that house?

25 A Correct.

1 Q You were told you couldn't be at that house, correct?

2 A Of course, yes.

3 Q You didn't have authority to be in that house, correct?

4 A No.

5 Q You didn't have authority to give permission to anybody in
6 that house because of the order directing you not to be in
7 that house, correct?

8 A Correct. Yes. I was subpoenaed to go there to care for the
9 kids.

10 MR. SCHIANO: I have nothing further.

11 CROSS-EXAMINATION

12 BY MR. SKRZYNSKI:

13 Q How owned the house?

14 A Excuse me?

15 Q Who owned that house at that time?

16 A What do you mean by who owned that house?

17 Q What do you think that means?

18 A At that house I have no contact order with the house.

19 Q Did you own the house?

20 THE COURT: Legally. Legally did you own the
21 house?

22 THE WITNESS: It was my house and my late
23 wife name on the title if that's what you're asking?

24 BY MR. SKRZYNSKI:

25 Q Yeah, so you owned the house at the time you were put out of

1 the house by the court, isn't that right?

2 A I was not sure about that, Sir.

3 Q You thought they took your house away from you without
4 paying you for it? That's what you thought?

5 A Excuse me, Sir?

6 Q Is that what you thought?

7 A I thought what?

8 Q That they took your house away from you without paying you
9 for it?

10 A Who are "they"? I do not know what -- expect.

11 Q So you thought you were no longer the owner of the house
12 when you were summoned over there on the morning of August
13 the 21st, is that right?

14 A You want me to explain?

15 Q Yes.

16 A Thank you. So, just like may be a few weeks before that we
17 have a settlement meeting in that court between me and my
18 wife --

19 Q Right.

20 A -- and the house we're talking about came in that meeting
21 who's gonna have the house. So, we were just at that time
22 we're not sure she would have the house or we gonna split it
23 or she cannot sell it or what. So, I said -- as owning of
24 that house at that point I was not sure. Later on I have no
25 contact order with it.

1 Q Listen, when you are having a divorce settlement conference
2 with the other attorney you are aware that you are entitled
3 to at least half of that house, or at least the proceeds of
4 half of that house?

5 A A month before that I was aware but we now start talking
6 about --

7 Q Okay, and the reason for that is because you are an owner of
8 the house, isn't that right?

9 A If you can ask me question please let me finish.

10 Q I just asked you a question.

11 A But you didn't let me finish the first answer.

12 Q I'm asking you a new question.

13 A What's the new question?

14 Q You where the owner of the house.

15 A I told you before I was not sure at that point who's the
16 owner of the house --(undecipherable).

17 Q You're a doctor, right, or you were a doctor, right?

18 A I am a doc -- I'm still a doctor, Sir.

19 Q You're still a doctor, are you still practicing?

20 A I'm not practicing right now.

21 Q Why not?

22 A Because my license was suspended --

23 Q And it was suspended because in January of 2017 you pled
24 guilty to four counts of two counts of Blue Cross fraud and
25 two counts of health insurance fraud, isn't that correct?

1 A That's correct, Sir.

2 Q And you did that in a plea bargain with the Prosecutor's

3 Office -- or the Attorney General's Office where they

4 dismissed 22 counts of those things, including running a

5 criminal enterprise and you were ordered by the Judge

6 Aquilina in Lansing to pay \$270,000.00 in costs and

7 restitution, weren't you?

8 A I did took the plea.

9 Q Yeah, you pled guilty to four counts of fraud, correct?

10 A Correct.

11 Q Yeah, that's dishonesty, right?

12 A Excuse me?

13 Q That's dishonesty, right?

14 A There is an explanation but the short answer is yes.

15 Q Yes, okay.

16 A For what I paid for.

17 Q And you pled guilty, you didn't plead no contest, you pled

18 guilty.

19 A That's right. Again, the offer was offered to me.

20 Q Right, okay. So, you've done that because you were talking

21 about that as a doctor you would get forms to sign and so

22 that's why you're the one that brought up the forms with the

23 police, is that what you're telling us?

24 A I'm not sure who brought the form initially, me or the

25 detective. What I remember --

1 Q Well, wait a minute, you set a minute ago that --

2 MR. SCHIANO: I'm gonna object, let him
3 finish his answer. He's cutting him off here.

4 THE COURT: Yeah, let them finish please --

5 MR. SKRZYNSKI: All right.

6 THE COURT: -- Mr. Skrzynski. Go ahead.

7 MR. SCHIANO: Thank you, your Honor.

8 THE COURT: Finish.

9 THE WITNESS: What was the question?

10 BY MR. SKRZYNSKI:

11 Q Go ahead, you have the floor.

12 A What was the question? You said about the -- oh, who
13 brought the -- it was brought up -- who brought it up first?
14 Maybe Detective Molloy or Jason Hammond. And I was
15 clarifying that --(undecipherable)-- consent issue brought
16 up by them and by me, both of us at the same time discussing
17 it.

18 Q You brought up the consent issue? You said by you and them?

19 A Both of us, yes.

20 Q Okay. Because you knew that you are entitled to consent or
21 not, right?

22 A Correct.

23 Q You knew you didn't have to?

24 A Excuse me?

25 Q You knew you didn't have to consent, didn't you?

1 A I knew I did not have to consent?

2 Q Yes.

3 A What do you mean?

4 Q What do you think I mean? What do you think I mean?

5 THE COURT: Do you not understand the
6 question, Doctor?

7 THE WITNESS: Yeah, no, I don't understand
8 the question.

9 THE COURT: Okay, his question is, you knew
10 that you did not have to give consent? At the time the
11 detectives were in your house on the 22nd you knew you did
12 not have to give consent, that's his question.

13 THE WITNESS: No, I did not -- no, I did not
14 know that.

15 BY MR. SKRZYNSKI:

16 Q You didn't know that?

17 A No. How would I even know? I don't understand your
18 question.

19 Q By the way, how much education have you had?

20 A I have four board certification, Sir.

21 Q You what?

22 A I have -- I'm certified in four areas in medicine.

23 Q So you went --(multiple speakers)--

24 A (Multiple speakers).

25 Q -- you went to medical school?

1 A Yes, of course.

2 Q And you went to the undergraduate school?

3 A Of course.

4 Q And you went to like an elementary school or a high school

5 --

6 A High school.

7 Q -- equivalent, yes?

8 A And elementary school and middle school and kindergarten --

9 Q So what, about maybe 20, 25 years of schooling?

10 A You can give me some time to do the math for you since I

11 wasn't --(multiple speakers)--

12 Q Go ahead.

13 A So, when I was 40 years old up til now.

14 Q Pardon?

15 A I'm 48, so I'm working on my continuous education for 44

16 years.

17 Q So you've had about 44 years out of 48 of education?

18 A Correct.

19 Q Okay.

20 A (Inaudible).

21 Q All right, so you understand -- you understand things, you

22 understand the English language, don't you?

23 A Yes, I do.

24 Q You speak it all the time?

25 A Correct.

1 Q Okay. Now, you had no trouble understanding what the
2 detectives were saying to you that morning on August 22nd --
3 or 22nd, yeah?

4 A No, I didn't have trouble in understanding what they were
5 saying because it was confusing. Not because I don't
6 understand the English language, but the way they are
7 approaching the whole situation was very confusing, to say
8 the least.

9 Q All right. You said that -- okay, wait a second, let's --
10 let's go back for second, let's go back to the 21st at the
11 house.

12 A Monday?

13 Q Yes. Sure. You said that when you arrived there after
14 taking your children to lunch there were --

15 A To breakfast.

16 Q To breakfast, all the -- there were police all over the
17 house.

18 A Yes.

19 Q Inside the house.

20 A I said in and out of that side of the house, yes.

21 Q They were in the house, you said there were police inside
22 the house everywhere.

23 A In and in -- inside and outside the house, yes.

24 Q Where were the police inside the house?

25 A So I just told you -- or just mentioned that one officer I

1 seen all the way in the back --

2 Q All the way in the back of what?

3 A The main floor rate by the master bedroom, right there.

4 Over there. Another police officer was by the kitchen area
5 and although I don't remember, in and out, and then --

6 Q Well, wait a minute, wait, let's get this straight. So
7 there's two police officers, you're saying one's back by the
8 master bedroom --

9 A I said at least. I remember the location, I remember I'm
10 walking in my house after one and a half year to take care
11 of my kids, so.

12 Q Is it possible that you don't --

13 A (Multiple speakers)-- months after the incident, okay, so
14 please be reasonable. Thank you.

15 Q So it's possible you gave consent but you don't recall, just
16 like you can't recall how many police officers --(multiple
17 speakers)--

18 A No, I did not give any consent, Sir. They were already
19 inside my house. What consent you are asking me for? They
20 were already inside the house.

21 Q But you are the testimony of Detective Ryan, isn't that
22 correct, or Detective Molloy, you heard his testimony?

23 A No, I did not hear --(multiple speakers)--

24 Q Okay. Oh, and you didn't get any notes about it either?

25 A Pardon?

1 Q You didn't get any notes from anybody?

2 A I was outside for six hours.

3 THE COURT: That's not his question.

4 BY MR. SKRZYNSKI:

5 Q My question is, did you get any notes --

6 A It's testimony, is --(undecipherable)-- today?

7 THE COURT: Doctor?

8 THE WITNESS: Yes, Ma'am?

9 THE COURT: Stop.

10 THE WITNESS: I mean your Honor.

11 THE COURT: I want you to listen to the
12 question and --

13 THE WITNESS: All right.

14 THE COURT: -- answer the question. Thank
15 you.

16 THE WITNESS: Sure.

17 BY MR. SKRZYNSKI:

18 Q Did you get any notes from anybody who was bringing them out
19 from the courtroom out to you in the hallway about things
20 that were going on in the courtroom?

21 A I did not any information about the testimony of Ryan
22 Molloy.

23 Q Who else that you have testimony about?

24 A Nobody. What are you talking about?

25 Q So you didn't get -- I'm talking about notes, written notes

1 that were given to you by someone who is in the courtroom
2 and going out to the hallway where you are seated and giving
3 you notes, that never happened?
4 A Never happened.
5 Q That did not happen?
6 A Never happened. How many time I have to tell you no?
7 Q Just once is fine.
8 A Yeah. I was given a paper outside and if you want me to
9 explain, I will explain, but I was not given notes about
10 nobody's testimony here.
11 Q What paper were you given?
12 A I was given paper by my relative wife about my Sidra
13 daughter sitting beside her, she is putting me something for
14 her to bring here from Costco. You want more details?
15 Q That was it?
16 A Yes, Sir. That was it.
17 Q You were told nothing --(multiple speakers)--
18 A (Multiple speakers)-- beside us.
19 Q So this person that was in the courtroom came out and said
20 that your daughter said she wanted something from Costco?
21 A Yeah, she's hungry.
22 Q Okay. And that wasn't anything about the testimony?
23 A How many times I have to say no?
24 Q As many times as I --
25 A But no, say no, no.

1 Q -- ask.

2 A I don't remember. I told you all about I remember right

3 now.

4 Q All right, so you said that there was a police officer in

5 the back --(multiple speakers)--

6 A In and out.

7 Q -- there was one in the kitchen --

8 A Yes.

9 Q -- and where else? You said they were all over the place.

10 A Master bedroom.

11 Q We got that.

12 A Kitchen.

13 Q Got that.

14 A Maybe one in the family room.

15 Q Oh, really? A uniformed officer?

16 A Yes.

17 Q Where were your children?

18 A Who?

19 Q Your children. You know what children are?

20 A So my children's area was all the way in the back, as I

21 mentioned on the phone, beside Officer Ahmad. Muhammad was

22 next to the officer also.

23 Q So there were two officers and they were tending the

24 children?

25 A No, I said one Officer Ahmad on his right or left, I don't

1 remember, Aya is here and Muhammad is here. And then Sidra
2 is maybe upstairs in her room, I don't know.
3 Q Maybe upstairs and whose room?
4 A Sidra's room, her own room.
5 Q Oh, that's where Sidra was?
6 A I said maybe. I don't know, but we have like 10,000 square
7 foot house.
8 Q Ten thousand?
9 A Yes, Sir. Six and four. Including the basement.
10 Q Isn't it true that you told -- Officer Molloy came up to you
11 and said, "Can we look around and maybe look -- collect some
12 evidence, take some pictures," and you said, "Fine, go
13 ahead"?
14 A When was that you're talking about, which day?
15 Q On the 21st of August, the morning you got there when the
16 police had called you.
17 A I don't remember that. Officer Molloy was already inside my
18 house attached garage.
19 Q I'm asking you, you don't recall him asking you for that
20 consent at all?
21 A No. He was already in my house.
22 Q No memory of that -- I don't care, I'm asking you about did
23 you -- do you remember --
24 A I don't remember.
25 Q You don't remember that at all?

1 A I said no. I told you he -- he first met me, he told me the
2 bad news and then after that he was inside the house,
3 attached garage by the inside door where all my belonging
4 and my wife belonging and the car is open and his access, my
5 wallet, my money --(undecipherable)-- inside the attached
6 garage behind him. And then he is in my house. He is
7 already in my house so I don't remember what you're talking
8 about, no. And thank you for reminding me, this is another
9 officer in my house but he was not in blue uniform. He
10 wasn't (ph) in plain clothes.

11 Q All right, so that's three officers.

12 A Right there.

13 Q Okay. And you said the one -- there was one with your --
14 with the defendant here and with Aya and there was another
15 person in the master bedroom and then there was --

16 A No, Officer Ahmad, the one with my kids, was all the way by
17 the master bedroom where in front of it was Aya and
18 Muhammad.

19 Q So he's back there with Aya and Muhammad?

20 A Yes.

21 Q Oh, okay. And where is the other officer?

22 A I said probably one in the family room and one by the
23 kitchen area. And Officer Molloy is in -- by that door
24 after he passed the garage. And I think maybe one person
25 with him, I don't remember now. I don't --(multiple

1 speakers)--

2 Q And all these officers are conducting searches?

3 A They are inside my house, so they are already inside the

4 house. What exactly they're doing, there inside my house so

5 yes, I think they are conducting searches.

6 Q What did they search?

7 A What else are they doing?

8 Q What did they search?

9 A They are inside the house.

10 Q What did you see them search?

11 A I remember a police officer on the second floor now on the

12 -- this room where my wife fell from, she was there also.

13 Q There was a police officer up --

14 A Female.

15 Q A female police officer?

16 A Yes, and I think she was -- I don't know, she was around the

17 edge of the window.

18 Q And you're sure that that was not after you had given

19 permission?

20 A No. I'm sorry -- yes, I'm sure that I did not -- again, I

21 told you 10 times, they were already in my house.

22 Q Okay.

23 A I was subpoenaed by them (ph).

24 Q Okay, you said Detective Molloy called you between 3:00 and

25 4:00 on the 21st of August, that he told you that you had a

1 short -- a small window to tell your kids about this?

2 A Correct.

3 Q Did he tell you that the reason he was calling you was

4 because your daughter, Aya, had called him crying asking him

5 what is going on with the -- with my mother, nobody's

6 telling me anything, my dad's not telling me anything, and

7 you had not told her anything --(multiple speakers)--

8 A My mother's --

9 Q -- and he was --

10 A -- telling me anything? Excuse me?

11 Q My father.

12 A You said my mother and father. Okay, anyhow, keep going.

13 Q Thank you. Thank you.

14 A You're welcome.

15 Q Did Molloy tell you that?

16 A That Aya called him crying?

17 Q Yes, and had asked him about her mother's condition because

18 you weren't telling them anything.

19 A That's not correct.

20 Q He didn't say that?

21 A He didn't say that.

22 Q Okay. Had you told them by that time?

23 A Had I told him what?

24 Q Had you told your children --

25 A No.

- 1 Q -- by that time?
- 2 A I just told you I didn't -- I told him I did not tell the
3 children because I need time to prepare them mentally,
4 psychologically.
- 5 Q You told them that she was in the hospital, didn't you?
- 6 A I did not tell them, they told me. I actually told me and
7 she was telling her, you know, grandfather or something she
8 was on the phone with, that she went to Beaumont Hospital.
- 9 Q That's what she was told?
- 10 A Yes.
- 11 Q Okay. She was not told that Ms. Huranieh was dead on the
12 scene, in other words?
- 13 A She was not told at 3:00 p.m. as far I know, no, she was not
14 told. It was 3:00 p.m. to 4:00 p.m., I just came back to
15 the house, I want to take them and give them -- I don't know
16 how to give them this news right away, Muhammad, Aya and
17 Sidra, so as far -- you know, I didn't tell.
- 18 Q You knew already that she was dead, didn't you?
- 19 A Of course, Detective Molloy himself, he approached me and he
20 told me if you, Bassel, don't want because of your religious
21 beliefs, I understand that you have your own --
22 (undecipherable)-- your own religious belief that you don't
23 want autopsy, so from what he told me, of course I knew that
24 she was dead --(undecipherable).
- 25 Q Okay. All right. And when he was telling you that you had

1 a short window to tell them wasn't that because he said they
2 were gonna find out pretty soon from other sources?

3 A Don't put things in my mouth, Sir.

4 Q I'm asking you if that's what he said.

5 A He told me I had a small window before Serene Zeni (ph) and
6 some people calling him asking him question. That's what I
7 just said to the --

8 Q And why was it that would give you a short window?

9 A Excuse me?

10 Q Why did the fact that Serene Zeni called Molloy give you a
11 short window?

12 A Bring Serene Zeni in and ask her. And I found, by the way,
13 that her question, including my own personal --

14 Q I didn't ask you that.

15 A -- life on my case --

16 Q I didn't ask you that.

17 A -- it's very offensive.

18 Q Sir, there's no question in front of you.

19 A I thought you asked me. All right.

20 Q All right, now on the morning -- or the afternoon when they
21 come over on the 22nd --

22 A Excuse me? On the morning? They did not come morning, I
23 said --

24 Q I said on the afternoon of the 22nd when they came over.

25 A All right -- (undecipherable) --

1 Q You're being very careful -- you're being very careful --

2 MR. SCHIANO: Judge, I realize we're having
3 some difficulty here, I just would ask the court to --
4 (undecipherable)-- instruct Mr. Skrzynski to let him finish
5 his answers, at least -- we're going back and forth a little
6 --

7 THE WITNESS: Thank you so much.

8 THE COURT: Well -- I understand --

9 MR. SCHIANO: Thank you.

10 THE COURT: -- that that needs to take place,
11 but, the witness also needs to understand that he's just
12 supposed to answer the direct question that's placed to him
13 and --(multiple speakers)--

14 MR. SCHIANO: If you could instruct him of
15 that, or me, if you want?

16 THE COURT: Pardon me?

17 MR. SCHIANO: You could instruct him from me
18 if you want --

19 THE COURT: Yes. And I am going to.

20 Once again, Doctor, listen to the question
21 that's being asked of you and just answer the question,
22 nothing else, okay?

23 THE WITNESS: Sure, your Honor.

24 THE COURT: Thank you.

25 THE WITNESS: You're welcome.

1 THE COURT: Proceed.

2 BY MR. SKRZYNSKI:

3 Q Okay, you're a very careful person when I'm asking you

4 questions, aren't you?

5 A I'm under oath --

6 MR. SCHIANO: Object, Judge, that's --

7 MR. SKRZYNSKI: Why?

8 MR. SCHIANO: -- that's argumentative to an

9 extent --

10 MR. SKRZYNSKI: I'm asking him a question.

11 MR. SCHIANO: It's an argumentative question.

12 MR. SKRZYNSKI: What's argumentative, Judge?

13 MR. SCHIANO: You're very careful?

14 MR. SKRZYNSKI: I'm asking him.

15 THE COURT: Go ahead, I'll allow it, just

16 answer the question.

17 BY MR. SKRZYNSKI:

18 Q You're being very careful about parsing my questions, aren't

19 you?

20 A I'm a witness on the stand, I'm careful to say the truth and

21 only the truth, yes.

22 Q You're very careful to parse my questions, aren't you?

23 A No.

24 Q You just pointed out a minute ago that I said it was -- that

25 it was his mother and father that were -- and that you said,

1 you know, mother --

2 A I heard you say her mother and father.

3 Q Okay.

4 A All right, thank you.

5 Q So, when -- you're telling me that you had no information
6 whatsoever from Molloy between 3:00 and 4:00 on the 21st of
7 August regarding why he was making that phone call to you,
8 except for Serene Zeni?

9 A He told me people calling and Serene Zeni call me, yes.

10 Q Okay, and he did not say that all these people are finding
11 out about this that she's dead and that therefore your
12 children might find out through them?

13 A He told me Serene Zeni keep calling him asking so many
14 questions and then Bassel, you have small window to tell
15 your kids.

16 Q Before they find out from other people, isn't that what he
17 said?

18 A I don't remember that verbatim you just mentioned it, but
19 it's your conclusion, Sir.

20 Q No, I'm asking you, you don't remember him saying anything
21 about that?

22 A That Serene Zeni, she cannot tell my kids?

23 Q That she -- that your kids would find out from other people
24 because people were aware that your wife had died.

25 A I don't remember all that, Sir, what you just mentioned.

1 Q You don't remember that?

2 A No.

3 Q Okay. All right, so now on the 22nd you said that -- what

4 time was it that Detective Molloy called you on the 22nd --

5 (inaudible)?

6 A Around 2:00 p.m. I think if -- because it was just a few

7 minutes before he showed up on the --

8 Q Two p.m.?

9 A -- at my door.

10 Q Okay, so he calls you at 2:00 p.m., he just says, "Are you

11 there?"

12 A Yes.

13 Q And you said, "Yeah," and then he hangs up?

14 A He said -- that's what I remember, that's --

15 Q Okay.

16 A -- something like, "Yeah."

17 Q Is the answer to that question yes?

18 A Yes.

19 Q Okay, so 10 minutes later you said he didn't tell you -- or

20 first of all, he did not tell you during that phone call

21 that they wanted to come over?

22 A That he's coming over to the house?

23 Q Yes.

24 A I don't remember.

25 Q You don't remember or he didn't say it?

1 A It was like a second call, conversation, and 15 months after
2 that you -- I'm --

3 Q So you don't recall, right?

4 A Exactly.

5 Q All right. Then -- then you said 10 minutes later he
6 appears at your main door with another detective named
7 Hammond?

8 A Correct.

9 Q And what happened at that encounter at the main door?

10 A They came together, side door where I was standing and they
11 went inside the house.

12 Q Well, at the main door, did you answer the main door?

13 A No, I answered the side door.

14 Q So you -- did they knock or something?

15 A I have to explain. The bell on our house is gonna do that
16 inside phone (ph) system, so if somebody ring the bell it
17 does not -- it's not conventionally bell, it's like the
18 phone ringing so you know that there's somebody at one of
19 the doors of the house. And usually they -- the door will
20 be used all the time in the side door.

21 Q So that's the door you came to? And you saw them there and
22 what did you say?

23 A They told me and they came over to me and they entered the
24 house.

25 Q They just walked in?

1 A Yes.

2 Q They didn't say we came over here, we wanted to talk to you

3 about the DVR?

4 A Again, he start talking about -- no. No.

5 Q They just walked into your house?

6 A Yes.

7 Q You didn't ask them -- they didn't -- they didn't say we'd

8 like to talk to you and you said, "Come on in"?

9 A No.

10 Q You didn't invite them in?

11 A They opened the door, he start walking in and as he's

12 walking in said, "Bassel, we noticed some cameras and we

13 don't think they are working." I'm like, "What?" "What you

14 talking about?"

15 Q He said we want -- we noticed some cameras and we don't

16 think they're working?

17 A Something to that --(inaudible)-- yes.

18 Q And where are you -- where is this conversation going on

19 now? They're in the house without -- uninvited, didn't you

20 say what are you doing in here, this is my house, leave?

21 A It's right in front of the stairs going down to the

22 basement.

23 Q Okay, and they -- like you said, they walked --

24 THE COURT: Okay, could you -- where are the

25 stairs going down to the basement?

1 THE WITNESS: Yes.

2 BY MR. SKRZYNSKI:

3 Q Where are they?

4 THE WITNESS: Would you like --(inaudible)?

5 THE COURT: Well, can you just tell me
6 roughly what room it's near?

7 THE WITNESS: Can I come down?

8 THE COURT: Go ahead.

9 THE WITNESS: It's right there. Yes, right
10 there. I was here, this is the entry, the bathroom, and
11 this is downstairs to the basement.

12 THE COURT: Okay, thank you.

13 THE WITNESS: So we were here. Thank you.

14 BY MR. SKRZYNSKI:

15 Q Okay. And again, were you surprised that they just walked
16 in?

17 A Of course.

18 Q Did you say something to them?

19 A I was answering their questions. I did not have any time to
20 ask my questions.

21 Q Did you say, "Hey, this is my house, you're just walking in,
22 what are you doing?"

23 A Again, they didn't give me time to initiate any question or
24 conversation. They bombarding me with question about the
25 camera system, DVR, pass code, all those things, I'm like,

1 "No, I don't know. I don't remember." All of those things.
2 And then they are in my house.
3 Q So they're talking to you about the DVR and the cameras so
4 much that you can't -- you can talk?
5 A Correct. I was surprised and confused.
6 Q And they were being aggressive, weren't they?
7 A Can you explain what you mean by --
8 Q Unpleasant.
9 A -- aggressive?
10 Q They were being unpleasant and aggressive?
11 A I cannot comment about aggressive or not, but they were
12 confusing and asking me questions which I have no answer for
13 it.
14 Q Okay, and then they said what?
15 A They said, "Where is the DVR? What is the pass code? How
16 you can access the camera? Where is the cameras are?" I
17 stopped answering questions, like, I don't know how many
18 cameras I have, I don't know where the cameras are. It's
19 been 40 years installed, I been outside the house one and a
20 half year, I did not --(undecipherable)-- the whole day, I
21 had a severe headache, I'm traumatized, I did not sleep, the
22 kids are crying, so -- and they are asking me a pinpoint
23 questions.
24 Q All right, so what happens then after they ask you all those
25 questions?

1 A Then they start searching the house.

2 Q They -- what do you mean they start searching the house?

3 A They walk down the basement looking for the DVR.

4 Q How do they get down to the basement?

5 A From the stairs.

6 Q They just walked past you?

7 A Yes.

8 Q They just walked past you and go down the basement stairs?

9 A That's correct.

10 Q Both of them?

11 A Maybe Jason was behind me but for sure Hammond was there.

12 Q They didn't ask you, they just walked down there?

13 A Yeah, they said, "Where is the DVR," I said, "I'm not sure."

14 They said maybe the basement or something like this, I'm

15 like, "I don't know." And they walk down -- they said --

16 (undecipherable)-- basement and they walked there.

17 Q Okay. You're not saying, "Hey, what are you doing, this is

18 my house, what are you doing?" You don't say anything like

19 that?

20 A I was -- I was shocked, you know, what's going on. Their

21 answers, you know, the questioning, they just walked in and

22 I was not given opportunity to ask questions, let alone that

23 they are officers and they are the law enforcement officers,

24 which we, as a people -- citizens, we believe that they are

25 the one who -- to enforce the law, so they know better,

1 right?

2 Q So they go downstairs into the basement?

3 A Yes.

4 Q And they just start looking -- what do they do when they get

5 down to the basement?

6 A They went down to the basement, we have a large basement,

7 when you go downstairs then my office will be to the side

8 and then we go there, there's like a --

9 Q What do they do?

10 A They opening closet and looking for the DVR.

11 Q And the closet is where?

12 A It's in the basement under the staircase.

13 Q So they go right there and they open the closet door?

14 A Correct.

15 Q And they opened that up?

16 A Mm-hmm.

17 THE COURT: You have to say yes or no please

18 --

19 THE WITNESS: Yes.

20 THE COURT: -- Doctor. Thank you.

21 THE WITNESS: Sure.

22 BY MR. SKRZYNSKI:

23 Q And they look through it?

24 A Of course, yes, they look up and down. We have like right

25 there like multiple shelves with multiple electronic devices

1 sitting on it, so they start looking for all those things
 2 looking for something look like a DVR.
 3 Q Okay. And again, they didn't ask you to do -- if they could
 4 do that, they just did it?
 5 A Correct.
 6 Q All right, then after that happens, what happens?
 7 A Then again, they're, "Bassel, where's the DVR?" "I don't
 8 know." Then they shot all the way I think -- if I still
 9 remember good they went to the second floor. There was a
 10 long hallway with a kids room on each side and there were
 11 closets in that hallway and then again, opened that closet
 12 and he start looking around and he didn't find it. When he
 13 eventually didn't find what he was looking for he called
 14 Rima --(undecipherable).
 15 Q He what?
 16 A He called Reeme Akash (ph) and then he called Chris -- I
 17 don't remember (ph). And excuse me if I didn't say the name
 18 correct.
 19 Q All right, so you're saying directly from the basement they
 20 go up to the second floor and they start looking into a
 21 closet?
 22 A From the basement all the way to second -- I think that what
 23 happened, yes.
 24 Q Okay, and you did not tell them they could do that, right?
 25 A They were walking in my house already, no.

1 Q Okay, and they did not ask you if they could do that?

2 A I don't remember them asking me, no.

3 Q You don't remember or they didn't ask you?

4 A It's more than a year, I don't remember them asking me.

5 They keep asking -- what I remember exactly, they're asking

6 all about the cameras, pass code, how we can view it, DVR,

7 all the time.

8 Q All right, so then you say they looked through that closet,

9 they don't see anything?

10 A Correct.

11 Q Then what?

12 A I mean, yeah, they don't see the DVR. And then he close the

13 door or -- anyhow, he called --(undecipherable)-- again --

14 Q And that's Detective Molloy calls her?

15 A Detective Ryan Molloy, yes.

16 Q And that's the interior decorator?

17 A Correct.

18 Q Pardon?

19 A Correct. Yes.

20 Q And you knew her?

21 A Of course.

22 Q Okay. And what happens then?

23 A So he talked to her --(undecipherable)-- I did not find the

24 DVR. Obviously, I do not know what she's saying, but from,

25 you know, the conversation in front of me she give him the

1 phone number and the name for the installer there, the
2 company, Tellusis (ph), the guy who installed the camera,
3 Chris --(undecipherable), and his phone number or -- I'm not
4 sure, but I think yeah, he took down the phone number, he
5 wrote it down, and then he called Chris.

6 Q And you know Chris also?

7 A Of course.

8 Q All right. And then what happens?

9 A So Chris start again instructing him where to find the DVR.

10 Q He doesn't tell you anything, Doctor -- or Mr. -- Detective
11 Molloy doesn't say anything to you?

12 A No. He was on the phone actually talking to Chris all that
13 time and he's walking in rooms and opening the closet and --
14 to find the DVR. And I was just like a ghost, I mean,
15 nobody -- I didn't even know it.

16 Q So you said before on direct you said you were like a
17 stranger in your own house, you had no say. Is that how you
18 felt?

19 A Exactly. I felt by Detective Molloy and the way he went in
20 my house, searched for DVR, picked it up, took it away and
21 talking to people, stranger from outside guiding him where
22 to find the DVR.

23 Q So are you afraid of him at this point? Afraid of Molloy?

24 A It was not -- I can't say a very relaxing interaction. He
25 had a gun, it's exposed and they are police officers and

1 accusing me with something my wife death, so you can imagine
2 it's not the normal convenient interaction.

3 Q And you said they had guns that were exposed, right? That's
4 what you just said?

5 A Detective Molloy I think I saw his, yeah. The gun on his
6 waist.

7 Q And he's accusing you of something, what's he accusing you
8 of?

9 A (Undecipherable)-- telling me that people calling him --
10 after the DVR he start this conversation.

11 Q Well, wait a second. All right, so before we get there,
12 they're walking around with their guns exposed and you said
13 that he then goes into this -- you said it was not relaxing,
14 it was not a relaxing --

15 A It was very strange. I have officers in my house,
16 freelancers, picking up my -- the property from the house.

17 Q Okay. So then -- well, you know that they were police
18 officers from Farmington Hills Police, right?

19 A I know Detective Molloy, his name was on my DV case about
20 one and a half year --

21 Q Well, they were there the day before, right, while I was --

22 A Of cour -- yes.

23 Q -- with the other uniformed police officers?

24 A In addition to that, yes, Sir.

25 Q So you knew he was a Farmington Hills police officer, right?

1 A Of course.

2 Q Sure.

3 A He called me just before he came.

4 Q All right, so then they -- can you describe after he's on
5 the phone he goes into another area?

6 A Correct. So he walked down the hallway right there, there's
7 the exercise room door, he opened the door, there's one,
8 two, three closet at least there, there is a sauna place,
9 there's the general room and I remember he's talking to
10 Chris like, "Which closet you're talking about?" So Chris
11 talk -- keep talking to him, keep talking to him --
12 (undecipherable)-- where is it, and then he told him --
13 anyhow, he found the closet because Chris told him where is
14 that, and he opened it and he said right there, the DVR.

15 Q Okay, and then the minute he sees that what happens? And
16 they -- the closet is behind the furnace, isn't that
17 correct?

18 A No. The furnace inside the closet.

19 Q The furnace is inside the closet?

20 A Yeah, it's like --(undecipherable)-- closet so we opened the
21 door, you see the furnace in it and to the left of it is the
22 --(undecipherable)-- coffee table.

23 Q Okay. And that's the first time you're seeing him look into
24 that space, right?

25 A Yes.

1 Q Okay. So when he opens it and he sees it you say what does
2 he do next?

3 A Excuse me, I say what?

4 Q What does he do next?

5 A So he would start the argument or whatever you want to call
6 it about request about written consent --

7 Q Wait a minute, you start that right there?

8 A Yes.

9 Q Who brings -- why do you start an argument?

10 A Because the point was brought that we need a written
11 consent. One of the officers was saying no, and then that
12 officer, I think Jason, he took me outside leaving Molloy
13 inside, and --

14 Q Hang on one second. And you said the argument about consent
15 --

16 A Written consent.

17 Q -- who's having an argument?

18 A Me -- between Molloy and Jason, like three of us.

19 Q All three of you are?

20 A We are confused.

21 Q What are you saying?

22 A One of them saying give him a consent, they say -- the other
23 one said no, and I'm like, I need a written consent. Then
24 Jason at that point will take me out and I continued talking
25 to Jason like, I need written consent, I need to review my

1 rights and I want to put it in writing that I'm refusing
 2 what you guys doing, to taking my DVR. And he -- and then
 3 Jason would said, I think a verbal consent would be enough.
 4 I'm like, I did not give you a verbal consent, and during
 5 all that time Molloy was still inside. God knows what he's
 6 doing. He took that -- unplugged that DVR and he stood
 7 there. Then he come out after some times and then he join
 8 us and then he start talking to me about people calling him,
 9 that, you know, something must've happened, you guys --

10 Q Wait a second, when he -- all right, so you're talking --
 11 you're telling Hammond I need a written consent?

12 A Yes.

13 Q Okay. You're telling him I need it?

14 A I said -- yes. Yes.

15 Q Okay. And he said, "No, you don't need it"?

16 A He said no.

17 THE COURT: Okay, who said no?

18 THE WITNESS: Jason Hammond.

19 THE COURT: Thank you.

20 THE WITNESS: Thank you.

21 BY MR. SKRZYNSKI:

22 Q All right, and then you said -- and you're standing where at
 23 this time?

24 A By the stairs going to -- leading to the garage door to the
 25 outside door.

1 Q And then you said Molloy comes out of the exercise room?

2 A Yes.

3 Q And he's got the DV --

4 THE COURT: Okay, I'm sorry, I'm -- I'm
5 visually and conceptually having a difficult time here.
6 This is a three story house, correct?

7 MR. SKRZYNSKI: Yes.

8 THE WITNESS: Correct.

9 THE COURT: The garage is attached to what
10 story?

11 THE WITNESS: The main floor.

12 THE COURT: Okay, you're -- maybe I
13 misunderstood, but I thought that this exercise room was on
14 the third floor, top floor?

15 THE WITNESS: I mean, it's confusing, I agree
16 with your Honor, it's the second floor -- it's the second --
17 two floors -- two stories floor and the basement.

18 THE COURT: And the basement. That's why I'm
19 thinking the lower level is one floor, main floor and then
20 the upstairs, okay?

21 THE WITNESS: Okay, so --

22 THE COURT: So you were upstairs. That's
23 where the furnace room was?

24 THE WITNESS: Yes.

25 THE COURT: Okay, so you just said that he

1 had taken you out of the room, Detective Hammond, correct?

2 THE WITNESS: Correct.

3 THE COURT: And you -- he was telling you you
4 didn't need to give written consent --

5 THE WITNESS: (Undecipherable)-- written
6 consent, correct.

7 THE COURT: Okay, and then you said you were
8 by the garage --

9 THE WITNESS: By the stairs going to the
10 garage.

11 THE COURT: By the stairs going to the
12 garage, so you weren't down the stairs on the main floor at
13 that point?

14 THE WITNESS: No.

15 THE COURT: Okay, thank you. I just wanted
16 to get it clear in my mind.

17 THE WITNESS: Sure.

18 BY MR. SKRZYNSKI:

19 Q Okay, and at that point you said as you're talking there,
20 your outside of the exercise room?

21 A Yes.

22 Q You're by the stairs, which is right next to the exercise
23 room.

24 A Right there.

25 Q Yes. And you say that Molloy comes out of the exercise room

1 with the DVR --

2 A Correct.

3 Q -- under his arm?

4 A Yep. To the hallway by the stairs going down to the garage

5 and exit from the main floor.

6 Q All right. And, of course, he had not asked you if he could

7 take it?

8 A No, he already have it under his arm and he's walking out --

9 Q And where is he going?

10 A Outside the house.

11 Q And what happens at that point?

12 A He took it and he left.

13 Q He took it and he left?

14 A With Jason.

15 Q Okay. And what about -- you heard -- well, you're saying he

16 never gave you -- you never gave him any consent whatever?

17 A Correct.

18 Q Okay, and you didn't have a conversation with him --

19 A I demanded a written consent he would not give it to me.

20 Q Okay. So, before he left with it he had not asked you -- he

21 had not -- okay, no --(undecipherable). Did you ever hear

22 the consent -- the CD that we played earlier in court, did

23 you ever hear the CD of the consent before?

24 A Which CD?

25 Q Your consent that you gave to --

1 MR. SCHIANO: I'm gonna just object to the
2 terminology that counsel's using, the consent.

3 MR. SKRZYNSKI: Well, I'm trying to make that
4 clear for the record, okay? I mean, we entered it as a
5 consent.

6 BY MR. SKRZYNSKI:

7 Q Have you ever heard any recordings of what happened that
8 early day on the 21st? Or the 22nd, I'm sorry.

9 THE COURT: 22nd.

10 MR. SKRZYNSKI: Thanks.

11 THE WITNESS: A recording when?

12 BY MR. SKRZYNSKI:

13 Q On that -- at hat -- that concern when those officers were
14 at your house looking for the DVR.

15 A Did I ever heard a recording -- I'm, sorry, over --

16 Q Did you ever hear a recording involving any part of that
17 conversation that you had with the officers that day on the
18 22nd about the D --

19 A Since the 22nd to today? Like more than a year? Probably,
20 yes.

21 Q But you don't remember?

22 A I think I heard some recordings but I don't remember
23 details, no.

24 Q Okay, so you can't -- so, but as far as you're concerned you
25 never had a conversation except where you're demanding a

1 written consent form, that's the only conversation you
2 remember having?

3 A It's burned in my memory, yes, Sir --

4 Q Okay.

5 A -- was very --

6 Q And that's the only part --

7 A -- very uncomfortable situation I was in.

8 Q Okay, and that's the only conversation about it that --
9 about consent that you recall?

10 A Yes.

11 Q Okay.

12 A There was no consent. I did not consent in any way, shape
13 or form. He already took it before --

14 THE COURT: Okay, there's no question before
15 you, Doctor. Thank you.

16 THE WITNESS: (Inaudible).

17 BY MR. SKRZYNSKI:

18 Q All right, so you don't recall on that day this exchange
19 between yourself and Officer Molloy, you said, "I know there
20 was cameras but I didn't know they were there." And Molloy
21 says, "Okay, you don't mind if we take it and take a look?"
22 "No," and you say --(multiple speakers)--

23 A (Undecipherable)-- that and story (ph) please?

24 Q You say, "I know there was cameras but I don't know they
25 were there." Molloy says, "Okay, you don't mind if we take

1 it in and take a look though?" And you say, "So, I don't
2 know." And he says, "Well, we'll get it back to you as soon
3 as we can," and you say, "Mmm, I mean, I guess I don't have
4 any issue with that." You don't recall that conversation?
5 A I remember I have so much discussion with him about I needed
6 the medical (ph) consent and so you are reading from the
7 pulled (ph) transcript --
8 Q Yeah, and you don't recall him saying after you said, "I
9 don't have any issue with that," him saying, "Okay, all
10 right, I appreciate it. We'll get it back to when we can."
11 A Well, thank you for reminding me because that statement,
12 what I said -- I guess I have no issues, I meant I have no
13 legal issues to keep fighting with you and you're not
14 listening to me," -- the --(undecipherable)-- consent, and
15 you kept telling me that we -- he already took it so I'm
16 saying I guess I have like no standing, no position, no
17 options, no -- no say in it, so you already took it, okay.
18 And I'm saying I'm upset. And he said I appreciate it and
19 he left.
20 Q And then he says -- and Officer Hammond said, "These type of
21 situations are pretty common, it's gonna happen, which
22 makes, you know, just our job, you know, develop rumors to
23 prove that they are rumors and there's no truth behind it
24 and we have to look at it from both sides," and you said,
25 "Right." And he says, "So otherwise, we wouldn't, you know,

1 be doing our job properly." And you said, "All right, let
2 me just take this one," and they said, "Sure." "And you're
3 Bassel" --
4 A I said, "All right, I'm they just let me take this one?"
5 (ph).
6 Q That's what you -- yeah. You don't remember saying that.
7 And they say --
8 A You are reading from verbatim after 15 months, Sir, so --
9 Q Okay, that's fine, but you don't recall that?
10 A I'm not saying I don't recall, I'm recall -- you are reading
11 from a page --(multiple speakers)--
12 Q Yeah, I know.
13 A -- after 15 months, you need to read slowly so --
14 Q Okay.
15 A -- but I told you already what I remember happened.
16 Q Sure. And then Officer Molloy says, "Sure," after you say,
17 "All right, let me just take this one," and Molloy says,
18 "Sure," and then he says, "And you're Bassel," and you say,
19 "B-A-S-S-E-L," and he says, "B-A-S-S-E-L?" "Yes." And then
20 he says, "What's -- how do you say your last name again,"
21 and you say, "Al-Tantawi." And he says, "Okay, thanks
22 again." And you say, "Thank you." "Thank you." Do you
23 recall that?
24 A I recall that he asked me about my name, I gave him the
25 spelling of my name of what was just mentioned to me, yes.

1 Q And you had just been through this horrible, uncomfortable
2 encounter where these people were bog -- as you said,
3 barging into your house, barging around in the basement,
4 barging around on the second floor, barging through closets
5 and he says, "Thank you," and you say, "Thank you."

6 A What should I reply, I will reply to his greeting.

7 Q Mm-hmm.

8 A Should I fight with him? He's police officer.

9 Q So you're not going to answer that question either, right?

10 A Which question?

11 THE COURT: No, that's enough from both of
12 you. Thank you.

13 THE WITNESS: Thank you.

14 BY MR. SKRZYNSKI:

15 Q You said that when you heard in that 7:30 phone call in the
16 morning of August the 21st at -- you heard that your wife
17 was dead?

18 A No.

19 Q Just that she was hurt?

20 A I did not say that.

21 Q Okay. You heard just that she was hurt?

22 A Yeah, the officer told me that she has --(multiple
23 speakers)--

24 Q And the injury was severe?

25 A Yes.

1 Q Okay, and you said that's the first you heard of it?

2 A Yes.

3 Q Okay. And you had not spoken to your son earlier that
4 morning?

5 A To my son, Muhammad?

6 Q Yes. On the phone.

7 A No.

8 Q You had not spoken to --

9 A He called me at -- I think they called me from his phone or
10 he talked to me that the police is here, want to talk to
11 you, or something like that.

12 Q That's not the question. The question is, before that phone
13 call did you speak like around maybe 6:30, 4:30, 5:30?

14 A I don't remember that, no.

15 Q You don't remember talking to him on the phone at those
16 times?

17 A No.

18 Q Okay.

19 A When Muhammad called me throughout the year I was outside
20 the house. All time -- anytime, so.

21 Q All right, but you definite -- you said you have no memory
22 of it?

23 A I do not remember that, yes.

24 Q Okay. Okay, thank you.

25 MR. SCHIANO: Just a couple questions to

1 follow up, Judge.

2 REDIRECT EXAMINATION

3 BY MR. SCHIANO:

4 Q Doctor, you were asked questions by Mr. Skrzynski about
5 comments made during the portion of the time the officers
6 were in the house on August 22nd around 1:30, 2:00 o'clock,
7 and a comment was made where Officer Molloy said to you
8 specifically on page 4, "Okay, you don't mind if we take it
9 in and take a look though," remember that comment? Did he
10 say that to you at some point, and your answer was, "So, I
11 don't know"? Yes or no?

12 A Yes.

13 Q Okay. At that point he had already had the device in his
14 arm walking out, is that a fair statement?

15 A Correct.

16 Q So when you said, "So, I don't know," that was in response
17 to his question, "You don't mind if we take it in,"
18 according to what was on the transcript, is that right?

19 A Correct.

20 Q Already had it in his hand, already walking out of the
21 house, correct?

22 A Correct.

23 Q The issue as to the consent to search was brought up by
24 Detective Hammond, wasn't it?

25 MR. SKRZYNSKI: Objection, that's leading and

1 that contradicts what he testified to.

2 MR. SCHIANO: I'm just trying to clarify
3 this, Judge.

4 MR. SKRZYNSKI: No, you're --

5 THE COURT: Well, I know, but let's --

6 BY MR. SCHIANO:

7 Q Who --

8 THE COURT: -- you want to ask him --

9 BY MR. SCHIANO:

10 Q -- who brought up --

11 MR. SCHIANO: I'll do it the right way, I'm
12 sorry, Judge, I was trying to expedite things --

13 THE COURT: Of course, a lot of good that's
14 gonna do --

15 MR. SCHIANO: -- at 3:23 today. I'm sorry.

16 THE COURT: Yeah.

17 BY MR. SCHIANO:

18 Q Who brought up the terminology of consent to search or
19 consent form, was it you or was it the Detective Hammond?

20 A One of the detectives. It all happened the same time. One
21 of them is talking about the consent, the other one said,
22 no, I don't have --(multiple speakers)--

23 Q That's all I'm asking you. Somebody -- either Molloy --
24 (multiple speakers)--

25 A Maybe Molloy. Yeah.

1 Q One of the two detectives brought up that and that was when
2 the discussion started, is that fair?

3 A That's fair.

4 MR. SCHIANO: Judge, thank you, that's all I
5 have.

6 MR. SKRZYNSKI: I --(inaudible).

7 THE COURT: All right, thank you, you may
8 step down, Doctor.

9 THE WITNESS: Thank you.

10 (At 3:24:07 p.m., witness excused)

11 MR. SCHIANO: Can I have two minutes?

12 THE COURT: Two minutes? Sure. We'll take a

13 --

14 MR. HART: Maybe five?

15 THE COURT: My goodness. Okay.

16 (At 3:24:27 p.m., hearing recessed)

17 (At 3:29:50 p.m., hearing resumed)

18 THE COURT: Mr. Schiano, do you have any
19 other witnesses on this particular issue?

20 MR. SCHIANO: No, your Honor.

21 THE COURT: All right, then let's proceed
22 then to the next --

23 MR. SKRZYNSKI: I have no rebuttal witnesses.

24 THE COURT: Oh, okay. I'm sorry, I forgot to
25 ask, you have no rebuttal witnesses with respect to the

1 consent, okay. So, let's continue then on the --

2 MR. SKRZYNSKI: You want argument now, or...

3 THE COURT: Pardon me?

4 MR. SKRZYNSKI: Oh, you want the other

5 hearing then?

6 THE COURT: Yes. Yes. Is that okay?

7 MR. SKRZYNSKI: No, I didn't understand what

8 you were saying.

9 THE COURT: Oh, I'm sorry. I should make
10 myself clearer. We still have a whole hour, we might as
11 well use it.

12 MR. SKRZYNSKI: Thank you.

13 MR. SCHIANO: Is that what time we go to
14 here, I'm sorry, 4:30 you said just now?

15 THE COURT: Yes, because they have to take
16 him back to the Village and we're not supposed to be in the
17 building after 5:00, so.

18 MR. SCHIANO: Are they gonna ring the
19 cowbells again if we're here?

20 THE COURT: No, I don't think they'll ring
21 the cowbells in. I could stay --

22 MR. SCHIANO: I heard them --

23 THE COURT: -- I could stay til 5:00 if I
24 pressed it, but I'd have to look at these deputies and see
25 if they wanted to get some overtime. What's that?

1 UNIDENTIFIED SPEAKER: On a Friday?

2 THE COURT: On a Friday. On a Friday.

3 UNIDENTIFIED SPEAKER: I'm in.

4 THE COURT: Okay.

5 MR. SKRZYNSKI: If I can have just one
6 moment, your Honor?

7 Okay, your Honor, as to the issue of whether
8 Miranda is necessary in this, People call Detective Molloy.

9 THE COURT: You're fine, Detective. I'll
10 just remind you that you are still under oath.

11 MR. MOLLOY: Yes, thank you.

12 RYAN MOLLOY

13 (At 3:31:53 p.m., recalled as a witness sworn, testified as
14 follows):

15 THE COURT: Sure you don't want some water?

16 THE WITNESS: I'm all set. Thank you very
17 much. Sure, I appreciate the offer.

18 REDIRECT EXAMINATION

19 BY MR. SKRZYNSKI:

20 Q All right, now as you -- you've already testified in the
21 last hearing that you observed the DVD after having obtained
22 the DVR and you say with the consent of Mr. Al-Tantawi, and
23 you said that after looking at it you decided that you would
24 have to interview the family again?

25 A Yes.

1 Q And what was the purpose of that?

2 A Trying to find out if there's anymore information that we

3 didn't have already. I mean, we observed someone in the

4 room with her, she appeared to be, you know, thrown out the

5 window so we wanted to go and see -- talk to anybody and

6 find out who may have been in that room.

7 Q All right. So what do you do?

8 A We arrived there myself, Detective Hammond again and

9 Sergeant Wehby, we made contact with Bassel --

10 Q Did you go together in the same car?

11 A I don't remember. I think we might have gone in two or

12 three cars.

13 Q Were your cars unmarked?

14 A They're unmarked police cars.

15 Q Were you wearing uniforms?

16 A No, I was not.

17 Q All right, you were dressed --

18 A The same thing I was wearing earlier in the day.

19 Q Okay, so basically, what are you wearing, again --(multiple

20 speakers)--

21 A The same clothes, khakis or dress pants and a Polo.

22 Q Okay, and again, you have the side arm still with you?

23 A Yes. I'm required to wear that anytime I'm working.

24 Q And it's -- is it covered?

25 A Yes.

1 Q Okay. So, the three of you go there and what was -- what
2 was your plan to going over there, what was gonna happen?
3 What did you want to have happen?
4 A We wanted to talk to Muhammad and Aya. Not Sidra,
5 obviously, we didn't talk to her and just see if there was
6 any more information.
7 Q Did you have an idea about where you wanted to do that?
8 A Back at the police department.
9 Q All right, why did you want to go back there?
10 A So everything (ph) to be interviewed. Or sorry, all the
11 interviews could be recorded.
12 Q Oh, so at the police department you have a recording
13 devices?
14 A Yes.
15 Q Okay.
16 A There's several rooms that are set up with recording
17 devices.
18 Q Okay. So, what do you do?
19 A We talked to Bassel, we just --
20 Q Wait a second, the three of you went to the door?
21 A Yeah.
22 Q Which door did you go to?
23 A I'm not sure. I believe it's this one that he calls the
24 side door or the entry --
25 Q Can you get off the witness stand for a moment and just --

1 A Sure.

2 THE WITNESS: Do you mind, Judge?

3 THE COURT: No, go right ahead.

4 MR. SKRZYNSKI: And just point to it.

5 THE WITNESS: I believe it was this one here
6 because this is where I --(inaudible)-- earlier, so this
7 store.

8 MR. SKRZYNSKI: Well, move to the side so the
9 Judge can see it.

10 THE COURT: That one right there. Okay.

11 THE WITNESS: So there's like a walkway here
12 and there's another one that kinda goes underneath to a door
13 here and then around, so we were at this one here.

14 BY MR. SKRZYNSKI:

15 Q Okay.

16 A And I think there's another large door. No, that's this
17 one, sorry. So it was this one here.

18 Q Okay, so you go there, you knock on the door and what
19 happens?

20 A Tell them that we -- you know, we have additional
21 information and we'd like to talk to, you know, talk to the
22 children and him and he calls him and says -- we ask if --
23 who's there, he tells us that Muhammad is there and Sidra's
24 upstairs -- or Sidra's around, I believe Muhammad was
25 upstairs and Aya is at school. He calls Muhammad down --

1 Q Wait a second. Did you tell him what your idea was as far
2 as where you wanted to go?

3 A Yeah, we --

4 Q Well, that's what I'm asking you, I want you to tell me
5 exactly what's going on.

6 A Yeah, we requested that, you know, he take the kids and
7 himself to the station and he said he didn't want to do
8 that.

9 Q All right. What was his demeanor like toward you?

10 A It was fine. He was, you know, cooperative again.

11 Q And this was how long after you had been there to pick up
12 the DVR? That's the same day, right?

13 A Same day. I'd say by the time we got it back and looked at
14 it, got it set up, it was probably maybe an hour and a half,
15 two hours later.

16 Q So it's two hours later now, you're going back to talk to
17 the same person?

18 A Yeah. It might've been a little more.

19 Q All right, and you're saying that this person greeted you at
20 the door?

21 A Yeah. Actually, it was right about two hours --
22 (undecipherable) yeah.

23 Q And how did he seem to you?

24 A He was fine. He may have been -- maybe a little surprised
25 to see us I guess, but he was -- you know, he was welcoming,

1 he was -- there was no issues, you know, he was cooperative.

2 Q Okay. And what did you tell -- who's talking?

3 A I think it's kind of a combination of all of us. I didn't

4 know exactly who said what and when, but, you know, we just

5 had a conversation with him.

6 Q But again, the substance of the conversation?

7 A We wanted to talk to the kids --

8 Q And you said at the police department?

9 A Yes.

10 Q Okay. And what does he say?

11 A He said he didn't want them subjected to that. I don't

12 remember exactly how he worded it but he said he'd rather

13 have them spoken to at the house.

14 Q Okay. And what is your response?

15 A He said it was fine.

16 Q Okay. When you were there was there anything on the radio

17 or anything?

18 A Well, just after he said it was fine he said that Muhammad

19 was upstairs, that they were -- they were just about to pray

20 and he asked that they be allowed to conduct their prayer,

21 and we say, "Sure," and, you know, there was prayer music

22 and they had a prayer right in the -- I guess you'd call it

23 the family room there.

24. Q And who was in there?

25 A Muhammad and Mr. Al-Tantawi.

1 Q And had Muhammad been in that room when you first got there?

2 A No. I believe he was upstairs.

3 Q Well, how did he come downstairs?

4 A Bassel called him down.

5 Q Okay. Did you go upstairs with Bassel?

6 A At that time?

7 Q Yes.

8 A No.

9 Q Did anybody?

10 A I don't think so, no.

11 Q You don't think so?

12 A I don't think so. I can't say a hundred percent.

13 Q Well, after he went to call Muhammad where did you go?

14 A When they were doing the prayer?

15 Q Yes.

16 A First standing kinda in that area between the laundry room

17 and dining room in the kitchen area --

18 Q Okay, well you have to --

19 A -- and in that voided place.

20 Q -- come down and --

21 A Sure.

22 Q -- demonstrate that.

23 A Thank you. Kinda in this -- in this area here.

24 Q Okay. And did -- did Bassel go upstairs?

25 A Sir, I don't recall exactly how it came to be that Muhammad

1 came downstairs. I believe -- I thought he had just called
2 him but he may have gone up there real quick.

3 Q Anyway, the defendant ends up downstairs?

4 A Yes.

5 Q In the family room?

6 A Yes.

7 Q With his father?

8 A Yes.

9 Q And what were they doing there?

10 A They were praying.

11 Q Okay. And then what happens?

12 A They -- I mean, it didn't last a very long period of time,
13 maybe 10 minutes or so. We had continued to talk to Bassel,
14 we asked if we -- where, you know, he wanted to talk to
15 Muhammad, he kinda pointed out at us --

16 Q Did he say anything to you about where he was gonna be?

17 A Yeah, that was kinda all a part of the same conversation.
18 He said that he had to go and pick up Aya from school.

19 Q Okay, where was she?

20 A She was at school that day.

21 Q Okay.

22 A Come to find out later that the bus from the International
23 Academy actually -- or from her school drops them off at the
24 -- I believe it's the library in Farmington Hills. So, you
25 know, Sergeant Wehby and Mr. Al-Tantawi we're kind of having

1 a conversation about how he can make arrangements to have
2 her picked up or, you know, he'd send a couple of the school
3 liaison guys or a couple detectives in plain clothes and --
4 Q And Detective Wehby's saying this to him?
5 A Yeah. He's having a conversation with Bassel.
6 Q Okay, and what hap -- what is Mr. Al-Tantawi's response?
7 A No, he said that he wanted to go get her.
8 Q Okay. And then what?
9 A We had talked, he said that we could, you know, go ahead and
10 talk to Muhammad and kinda pointed to the table right there
11 in the little dining area.
12 Q So he knew you were gonna talk to him while he was gone?
13 A Yes.
14 Q You were going to talk to Muhammad while Mr. Al-Tantawi was
15 gone?
16 A Yes, Sir.
17 Q Okay, and Mr. Al-Tantawi pointed out a table?
18 A Yeah, there's like a very large table in that dining area.
19 Q And he says you can sit and talk there?
20 A I don't know if you directly said it but he kinda motioned
21 us to there.
22 Q Can you get up and show us on the diagram where that area
23 is?
24 A Absolutely. It's right here. So this is the table we were
25 at. It's kinda right in this area.

1 Q Okay, and so the table runs basically North and South in the
2 room?

3 A Yeah, like perpendicular to that wall.

4 Q And how big of a table is that?

5 A I don't recall exactly how many -- how many chairs there
6 were but it's a fairly large table.

7 Q Well, fairly large, is it like to chairs on either side of
8 the table?

9 A No, more like four or six on each end and then, you know,
10 two really -- a big chair on the one end and then another
11 chair on the other, so --(multiple speakers)--

12 Q Are you saying four to six on each side?

13 A Each side.

14 Q And then a chair on either end? Is that what you're saying?

15 A It might've been three large chairs on either side, but it's
16 bigger than your standard size kitchen table.

17 Q Okay.

18 MR. SKRZYNSKI: May I approach the witness?

19 THE COURT: Certainly.

20 BY MR. SKRZYNSKI:

21 Q I want to show you proposed Exhibit number 13 here and ask
22 you if you recognize this? Is this a photograph that I'm
23 showing you?

24 A It is a photograph, yes.

25 Q Okay, and is that a photograph of that room where you were

1 that day to have the conversation?

2 A Yes, it was.

3 Q Okay.

4 MR. SKRZYNSKI: We move to admit --

5 MR. SCHIANO: No objection.

6 BY MR. SKRZYNSKI:

7 Q Well, that's a true and accurate representation?

8 MR. SCHIANO: Still no objection.

9 BY MR. SKRZYNSKI:

10 Q All right. Now, does that picture show the --

11 A Thank you, your Honor.

12 Q -- portion of the table where you people sat down to talk?

13 A It shows a part of it. Might be -- it looks like right here
14 we're gonna cut out, but we would have been on this end of
15 the table.

16 Q So as you're looking at the picture you would have been off
17 the picture to the right?

18 A To the right.

19 Q Okay, so there was more table and more chairs on that side?

20 A Yes, I believe so.

21 Q Okay. So, how -- what is the seating -- well, does Bassel
22 leave?

23 A Yes. At some point he does leave.

24 Q Okay, and did anybody ask him about where they could sit?

25 A Yeah. Actually, the table -- the chair that is on the very

1 end, I guess if you're looking at the table on that picture
2 on the far right side where it would be considered the head
3 of the table, there's a very large chair that's much bigger
4 than the other ones that are on the side. Actually,
5 Sergeant Wehby asked Mr. Al-Tantawi if he could sit there.
6 Q Why? Do you know?
7 A I don't know, maybe it was like a cultural thing.
8 Q Okay. All right. Oh, okay.
9 A I mean, he didn't want to upset the head of the household.
10 Q All right, and what did Mr. Al-Tantawi say?
11 A He said it was fine.
12 Q Okay. So, is Detective Wehby sitting at the head of the
13 table?
14 A Yes, he's sitting at the head of the table.
15 Q Okay, let me just go over here and...So that would be like
16 around -- around here?
17 A Yeah.
18 Q At the head of the table?
19 A Yes.
20 Q All right, and seated to his left is whom?
21 A On that side of the table is Muhammad.
22 Q All right, so basically on the west side of the table over
23 here is Muhammad?
24 A Yes.
25 Q And then where are you sitting?

1 A Directly across from Muhammad.

2 Q On the east side of the table?

3 A Yes.

4 Q And where is Detective Hammond sitting?

5 A Hammond is sitting to my right.

6 Q So Hammond -- so it's Wehby over here at the head, the

7 defendant to Wehby's left, you across from the defendant and

8 Hammond to the right of you?

9 A That is correct, Sir.

10 Q Okay. And what happens then?

11 A We -- you know, we start to interview Muhammad, go over what

12 happened basically the night before the incident, so the

13 night of the 20th, we saw his mom that day. You know, he

14 indicated to us that she had gone to bed pretty early --

15 Q Well, before you get into that --

16 A Sure.

17 Q -- let me just ask you this, were the other two detectives

18 also in plain clothes?

19 A Yes.

20 Q Were they dressed similarly to you?

21 A Yes.

22 Q And they had firearms?

23 A Yes. Again, we are required to wear them.

24 Q Okay, are they concealed?

25 A Yeah, I believe so, yes.

1 Q Okay, and what would the defendant have been looking at as
2 he was seated at the table?

3 A Just from -- you know, roughly, you know, mid stomach or
4 lower part of the chest up.

5 Q But I mean, what was he looking --

6 A Oh, he's looking at me.

7 Q Well -- okay --

8 A He's kinda --

9 Q -- and behind you is what?

10 A A wall.

11 Q A blank wall?

12 A I think there's like -- from that picture I'm able to
13 recognize like a large mirror back there.

14 Q Okay, a large mirror.

15 A I'm not sure if he was --(multiple speakers)--

16 Q Is that under the arch?

17 A Yeah, that arch is a mirror --(multiple speakers)--

18 Q Okay. All right, and those blinds on those windows, those
19 two windows in the picture, were they closed like they are
20 in the picture?

21 A Yes.

22 Q Okay, so there was no vision outside?

23 A No.

24 Q All right. Were you accompanied by anybody when the three
25 of you came over?

1 A I guess --(undecipherable)-- hard to say just yes or no to
2 that. There are other officers, other detectives that we
3 knew were on the way but when we first got there it was just
4 us three.

5 Q Okay, and did anybody else come in the house while you're
6 talking to the defendant?

7 A At some point there was some movement back there you could
8 hear, but no, there wasn't like people standing around or
9 sitting with us or anything like that.

10 Q And did any come into view?

11 A No, not that I -- I didn't see any --(inaudible).

12 Q All right. There was a time when Mr. Al-Tantawi returned to
13 the house, right?

14 A Yeah.

15 Q Okay, and a police officer came in the house at that time,
16 correct?

17 A Yes.

18 Q Okay. Now, all right, at the beginning of this interview
19 what's your approach to this?

20 A Approach to the interview?

21 Q Yes. Who's doing most of the talking?

22 A Sergeant Wehby is doing most of the talking.

23 Q Okay, and did you advise the defendant of Miranda?

24 A No, we did not.

25 Q Why not?

1 A Because he wasn't under arrest at that time.

2 Q Okay. And how were the three of you addressing him?

3 A Like how were we speaking to him?

4 Q Yes.

5 A Yeah, I mean, it was a regular conversation. I mean, no one

6 was yelling or threatening or, you know, it was just a

7 regular conversation, walk us through your day, walk us

8 through the night before and what happened, and then it just

9 proceeded from there.

10 Q You said that there were some noises, you know, that you

11 heard. Did the defendant's demeanor change at all when you

12 heard those noises behind you?

13 A No.

14 Q Okay, he just --

15 A Not that I noticed.

16 Q Okay. Was there an indication that he was in need of food?

17 A No, Sir.

18 Q Did he say he was hungry?

19 A No.

20 Q Did he say he was thirsty?

21 A There might have been one point where he -- he was talking

22 about thirst, but I think that was after.

23 Q After the interview had ended?

24 A Yes.

25 Q Okay, but during the interview or before the interview did

1 he ever say anything about that?

2 A No.

3 Q Did he ever say any of the medication of any kind?

4 A No, Sir.

5 Q Okay. Did he ever say he needed to go to the bathroom
6 during the interview?

7 A Not that I can recall, no.

8 Q Okay. So once you started talking to him then --

9 A Yes.

10 Q Okay, and at that point during the course of --

11 MR. SKRZYNSKI: Your Honor, I mean, do you
12 want the -- I -- but at this point --

13 BY MR. SKRZYNSKI:

14 Q This interview was tape -- or was recorded, right?

15 A Yes.

16 Q And did you record that?

17 A I don't remember if it was myself recording or Detective
18 Hammond.

19 Q Did somebody --

20 A Either way --

21 Q -- was recording on a phone?

22 A On a cell phone, yes.

23 Q Okay.

24 MR. SKRZYNSKI: Do you have the transcript
25 here?

1 BY MR. SKRZYNSKI:

2 Q And he was subsequently -- this was reduced to a -- or a DV
3 -- CD and then it was transcribed, right?

4 A Yes, it was.

5 MR. SCHIANO: Judge, I don't have an
6 objection. The only -- my only concern is that Mr.
7 Skrzynski did shorten the time period of the transcript and
8 only has a certain portion. I've been addressing some
9 comments that were made outside of the transcript that
10 should be on the tape --(undecipherable)-- that they got on
11 a disk, so -- right?

12 MR. SKRZYNSKI: I'm not sure --(inaudible).

13 MR. SCHIANO: I would ask that the whole --
14 the whole tape --(multiple speakers)--

15 MR. SKRZYNSKI: Well, it might be on here but
16 we just transcribed what we transcribed. The only -- as I
17 mentioned to the court when I --

18 THE COURT: Yes.

19 MR. SKRZYNSKI: -- when I transported these
20 things by letter, was that we were just transcribing the
21 period of time when they were actually speaking to him from
22 the time it began until the time that it was ended, and then
23 what happened before that or after that we didn't
24 transcribe. But I believe those things may still be on the
25 disk.

1 MR. SCHIANO: Well, if the court's --

2 MR. SKRZYNSKI: Or are on the disk.

3 MR. SCHIANO: If the court's going to review
4 the evidence of the disk I would just want to make sure the
5 entire tape recording from start to finish is given to the
6 court, because I'm going to have arguments made in regards
7 to that. Not in this transcription, unfortunately, because
8 he cut it short, but when the doctor comes back this
9 conversation between the officers and the doctor is fairly
10 important I think for the court to consider.

11 MR. SKRZYNSKI: I think it's on this disk.

12 THE COURT: Okay.

13 MR. SKRZYNSKI: And it's a two hour disk.

14 THE COURT: All right.

15 MR. SKRZYNSKI: If you'll wait just a moment,
16 Judge, I just want to make sure.

17 MR. SCHIANO: Yeah, just --(inaudible)--
18 that's my only concern, your Honor, is to make sure it's all
19 on there.

20 THE COURT: Yeah, that's fine. I just...

21 MR. SKRZYNSKI: It's the whole thing, Judge.

22 THE COURT: Okay.

23 MR. SKRZYNSKI: Only -- I know I said we only
24 transcribed the part that we had.

25 THE COURT: All right, that's fine. I will

1 -- I will listen to all of it.

2 MR. SCHIANO: Thank you.

3 MR. SKRZYNSKI: Okay, so move to admit.

4 (At 3:51:24 p.m., People's Exhibit 14 and 15
5 are offered)

6 MR. SCHIANO: No objection.

7 THE COURT: It's admitted.

8 (At 3:51:27 p.m., People's Exhibit 14 and 15
9 are admitted)

10 THE COURT: All right.

11 MR. SKRZYNSKI: And I -- like I said, I gave
12 the court a copy of the transcript and the CD.

13 THE COURT: Okay, just one second here.

14 Okay.

15 BY MR. SKRZYNSKI:

16 Q Did there ever come a point where you told the defendant
17 that he should not leave, that he had to stay where he was
18 sitting during the course of the interview?

19 A No.

20 Q All right. You said that -- did you learn how old he was?

21 A Yeah, we had -- through the investigation --

22 Q How old was he?

23 A -- at some point we had -- I believe he was 16.

24 Q Okay. Sixteen years old? All right. And this diningroom
25 area -- as a matter of fact, did -- was the defendant

1 familiar with that dining room table?

2 A I would assume so, it's in his --

3 MR. SCHIANO: Objection, Judge --

4 BY MR. SKRZYNSKI:

5 Q I mean, did he ever --

6 MR. SCHIANO: Objection.

7 BY MR. SKRZYNSKI:

8 Q Was he sitting in his own chair that he usually sat on?

9 A I --(inaudible).

10 Q Okay. Did you -- was there handcuffs placed on him at any
11 time?

12 A No, Sir.

13 Q All right, and --

14 A During that interview I guess --

15 Q Yeah.

16 A No.

17 Q Okay. Eventually there were, correct?

18 A Yes.

19 Q And that was long after the interview was over.

20 A Yes, Sir.

21 Q Okay. And he was after the interview was over and some time
22 has passed he was arrested and he was transported to the
23 police department, is that correct?

24 A Yes, Sir.

25 Q Okay. Now, during the course of this interview what

1 happened?

2 A We -- we had already started to notice some of the
3 discrepancies in what he was telling us so we had him
4 provide another statement, when he got up, what he was
5 doing, how he came to be notified, and he kinda started
6 again, he got up, he took a shower, he -- as he was getting
7 out of the shower getting ready he was notified by his
8 sister that mom had fallen out the window and he went out --
9 went out with her to, you know, to check on his mom. That
10 was kinda the first step. And then we kinda -- you know,
11 Sergeant Wehby was doing most of the talking, but we advised
12 him that we believed that there was more information, that
13 he wasn't being -- he wasn't providing us with all the
14 information that he had.

15 And eventually he would -- he would come on
16 to say that he was -- he had -- he didn't -- we made it very
17 clear, we asked him that had he left his room prior to Aya
18 notifying him that his mom was -- (At 3:54:40 p.m., hearing
19 abruptly stopped, restarted at 3:54:41 p.m.) -- outside and
20 he said no. His original statement was that it was no.
21 Then we eventually -- he came around, we told him, you know,
22 there's more information out there.

23 Q And what we're talking about?

24 A Well, we knew that there was somebody in the room.

25 Q Okay, did you know it was him?

1 A Just based on -- on the -- just the inconsistencies of his
2 statement.

3 Q So while he's talking?

4 A Yeah, it's just kinda -- you know, it's seeming more and
5 more like it was him. Then he -- he eventually said that he
6 --(multiple speakers)--

7 Q Did you --

8 A -- did see his mom --

9 Q As that happened did you change your tone of voice at all?

10 A No.

11 Q Did Officer Wehby?

12 A No.

13 Q Did Hammond say anything?

14 A Hammond didn't really say a ton in the interview, he was
15 kinda more observing, but he definitely didn't raise his
16 voice to him or anything --

17 Q Did you change your demeanor toward the defendant at all?

18 A If anything we changed it to be more sympathetic to him.
19 You know, I know this is hard, that kinda stuff, but -- it
20 was definitely -- it didn't -- there was no aggressive talk
21 towards him at all.

22 Q Okay. Did his demeanor change at any time?

23 A Yeah. I mean, at some point he kinda -- you know, he kinda
24 looks away when he's talking, he's not really making eye
25 contact. He kinda slumped over in his chair --

1 Q At what point?

2 A At one point he -- just different times. I wasn't taking
3 great notes through the video, I was trying to more pay
4 attention to him, but, you know, at some points later on in
5 the interview he did start crying.

6 Q He started crying?

7 A Yeah. That was a little bit later in the interview.

8 Q And was he crying over something you were doing?

9 A No.

10 Q What was he crying about?

11 A I don't -- I guess I could only speculate that he was --

12 Q Well, don't speculate. Was he -- I mean, had anybody done
13 anything to him or --

14 A No. No, we were just simply having -- just having a
15 conversation about what had happened.

16 Q Had you -- had your question become more aggressive in any
17 way?

18 A Maybe that we knew that he wasn't providing us with the
19 whole truth.

20 Q Okay.

21 A So he had -- he had said he hadn't seen -- (multiple
22 speakers) --

23 Q But did you change your tone of voice at that point?

24 A No.

25 Q Or were you saying you're lying to us?

1 A No.

2 Q Okay. And what happens then?

3 A Well, as you know, it's a fairly -- I wouldn't say long

4 interview, at least, you know, 30, 40 minutes of us talking

5 to him, so --

6 Q It was 30 or 40 minutes?

7 A Approximately, yes.

8 Q That was it. Okay. Go ahead.

9 A We were talking to him, he kinda changed that he hadn't seen

10 her in the mor -- his mom -- mother in the morning, then he

11 actually did he leave his room earlier, he got some water,

12 he went back to his room, then he took a shower. And then

13 it was, he not only was -- saw her, but then he also had to

14 get some --

15 Q When did he see her?

16 A He said he got up, he went downstairs --

17 Q For what?

18 A Water.

19 Q And then what?

20 A Then he went back upstairs.

21 Q Well, did he see her when he went downstairs for the water?

22 A That's what he said, yes.

23 Q All right, and where was she when he saw her?

24 A I believe he said she was in the kitchen, but I'm not a

25 hundred percent.

1 Q Okay. After that what happens? So he's making this
2 statement, basically, as we are going, right?
3 A He's changing his story.
4 Q And as he's changing his story you're becoming more
5 suspicious of him?
6 A Yes.
7 Q Okay, but do you change your demeanor toward him?
8 A No, Sir.
9 Q Do you change your tone of voice toward him?
10 A No.
11 Q Okay. And you said the conversation only lasts between 30
12 and 40 minutes?
13 A Yes. If I had to gue -- it's sometime in there, yes.
14 Q And he's not restrained at any point during the course of
15 the conversation?
16 A No, Sir.
17 Q All right. Do you ever -- does he ever ask to leave the
18 table at any point?
19 A No, he does not.
20 Q Okay, or that he wants his father to be there?
21 A No, Sir.
22 Q Okay. All right, so he gives all these statements, finally,
23 what is the statement that he settles on?
24 A That he -- he saw his mom, she asked him to get some
25 cleaning solution, he brought it up to the room where she

1 was washing the window --

2 Q He brought the cleaning solution?

3 A Yes.

4 Q Okay.

5 A Then she was -- he was in the room with her, he was -- she

6 was standing on the ladder, that he wasn't really paying

7 attention --

8 Q Why was he -- what -- why -- not paying attention to what?

9 A Her cleaning the ladder -- cleaning the window.

10 Q Well, what was he supposed to be doing, did he say?

11 A Holding the ladder.

12 Q Why was he holding the ladder?

13 A Because she was -- because she was on it.

14 Q Had she asked him to do that?

15 A Yes.

16 Q Okay. All right, and then what happened? What did he say

17 happened?

18 A He said that somehow she fell out of the window, that he

19 believes maybe her -- part of her clothing had caught on the

20 -- I don't know what you would call it, the crank, the

21 window crank to open, and then she went over and, you know,

22 he didn't -- he didn't grab her, he couldn't grab her or

23 anything.

24 Q Did he say that he saw her on the ground outside?

25 A Yeah, he said then he looked over and he saw her on the

1 ground outside and he went back to his room and took a
2 shower. We asked him did you render aid, did you call 911,
3 he said no, I was -- you know, I don't remember if he said
4 he was freaking out or he was nervous or scared. He just
5 said something to that effect and that he just went and took
6 a shower.

7 Q And -- okay, and that was it?

8 A That was yeah, about the end of the conversation, yeah.

9 Q Okay. Did that conversation and by itself or what happened?

10 A We were -- we were kind of -- it was after that point -- or
11 right around that point that Sergeant Wehby got a phone
12 call, I believe, he was notified in some way that Bassel was
13 home at the driveway.

14 Q All right, so he had returned?

15 A Yes.

16 Q All right, and what happened?

17 A He -- a couple of minutes later --

18 Q Well, did Wehby say anything?

19 A Yeah, he said, "Yeah, have him come on in."

20 Q Okay, so -- and you said a couple minutes later, what
21 happens?

22 A Yeah, I don't know if it -- couple minutes, a minute, it's a
23 short time.

24 Q Okay, and what happened?

25 A He comes in, he says, you know, "Bassel's upset," he says,

1 what's going on here?

2 Q He comes in by himself or with other people?

3 A I think one of the detectives -- or, I don't know if it was
4 a detective or plain clothes. I can't see anything, this is
5 all happening behind the wall behind me, kinda walks him in,
6 Sergeant Wehby goes and talks to him around the corner. I
7 just continued to talk to Muhammad and, you know, I don't
8 know if it's --

9 Q What did you say?

10 A You know, I don't -- without looking at the transcript I
11 don't know exactly what I said right then, but -- I mean, it
12 was all friendly, a friendly conversation, it was the same
13 tone and conversation that was going on.

14 Q Did you -- did you hear the conversation that was going on
15 between Bassel and Detective Wehby?

16 A No. I couldn't really hear it. I could hear them talking
17 but I couldn't hear what they were saying.

18 Q And what happened then?

19 A Sergeant Wehby came around the corner with Bassel and said
20 he doesn't want us talking to him anymore and we stopped
21 talking to them.

22 Q Right there?

23 A Yeah.

24 Q Okay, and did you try to talk to him anymore after that?

25 A No.

1 Q Okay. At the end of that conversation now that you've had,
2 which ends up on the statement, you said what, if anything
3 -- what's going through your mind? What -- do you have any
4 kind of a course of action?

5 A Yes, and now myself and Sergeant Wehby and Detective Hammond
6 get together and, you know, we both come to the same
7 conclusion, that we believe it's Muhammad who's in the --
8 you know, who is in the room and throws Nada out the window
9 and we make that determination that he's going to be
10 arrested at that time.

11 Q You felt you had probable cause to arrest him for the
12 murder?

13 A Yes.

14 Q Okay. What happens then?

15 A Sergeant Wehby contacts the front desk or dispatch --

16 Q At Farmington Hills?

17 A At Farmington Hills Police --

18 Q Yeah.

19 A -- and requests a uniformed officer to respond to do the
20 transport.

21 Q All right. Where is the defendant after this -- did you
22 arrest him immediately after --

23 A Nope.

24 Q -- conver --

25 A No, Sir.

1 Q All right, where was he, where did he go?

2 A He was sitting on a sofa in the family room.

3 Q All right. It says in the family room, so that's right next

4 to the dining room?

5 A Yeah.

6 Q Okay, and he was sitting there and he was sitting by

7 himself?

8 A He's sitting there playing on his phone.

9 Q He's just playing on his phone?

10 A Yep.

11 Q Okay. And how long was he there before you arrested him,

12 did he stay in that one place?

13 A I don't know if he stayed exactly right there. There was --

14 there were some times where we had to step outside to kinda

15 talk to each other or step out of the way, so I can't say --

16 (multiple speakers)--

17 Q Talk to each other, who talked to who?

18 A Talked to Sergeant Wehby --

19 Q Okay.

20 A -- talked to Hammond, talk to the --(multiple speakers)--

21 Q So you had to step out of the room to do that?

22 A Yeah, there were some conversations that were had, so we

23 obviously made sure we had, you know, one guy who's at least

24 nearby watching and we would kinda come in and out. So I

25 don't know if he got up at one point and went somewhere.

1 Q Was he wearing handcuffs? Was he put in handcuffs?

2 A No, he was not.

3 Q So he's just sitting on the couch playing with this phone?

4 A Yes.

5 Q All right. At that point though did you consider him to be

6 in custody?

7 A (No audible response).

8 Q Was he -- was a free to leave the house --

9 A He wasn't free to leave the house.

10 Q Okay, and that's after the interview's over with?

11 A Yes.

12 Q Okay. And it's not until you have the interview that that

13 comes up in your mind, that is not free to leave then?

14 A Correct.

15 Q Okay. All right, and then does the transport officer

16 eventually show up?

17 A Yes. Officer Andrews showed up on scene.

18 Q About how long after he had been called was that?

19 A I want to say it was probably 15 to 20 minutes.

20 Q Okay, and what happened at that point?

21 A Officer Andrews, when he shows up he's briefed by, I believe

22 it was Sergeant Wehby, I'm not a hundred percent on that,

23 basically told him, you know, we just need you to transport

24 him for, you know, for this case. Gave him the case report

25 number and --

1 Q Had the defendant been arrested already?

2 A If you're talking about who put handcuffs on him, it was

3 Officer Andrews who actually came in and put the handcuffs

4 on him.

5 Q When was he -- was he ever informed that he was under

6 arrest?

7 A Yes.

8 Q By whom?

9 A I -- I don't know who exactly said it.

10 Q Do you know how long before Andrews arrived he was informed

11 that he was under arrest?

12 A I don't recall, sorry.

13 Q Okay. When Officer Andrews gets there what happens?

14 A Muhammad's handcuffed and he's walked away.

15 Q All right. So Officer Andrews took him --

16 A Yes, Officer --

17 Q -- and transported him?

18 A -- Andrews took him, yep.

19 Q And the idea was to transport him away?

20 A To --

21 Q Where?

22 A -- Farmington Hills Police Department.

23 Q Okay, and what happens? What do you do then?

24 A I have to leave shortly thereafter.

25 Q Why?

- 1 A I have to prepare a report and JC-01 and get him lodged in
2 Children's Village, or attempt to get him lodged in
3 Children's Village.
- 4 Q At the time that Muhammad was arrested, at the time the
5 defendant was arrested did you search him?
- 6 A I didn't, no.
- 7 Q Who did?
- 8 A I didn't see it directly but I'm sure our policy would
9 indicate that Officer Andrews would be the one to search
10 him.
- 11 Q Did you confiscate anything from the defendant?
- 12 A I didn't, no.
- 13 Q Who did?
- 14 A Oh, I'm sorry, you're speaking of the cell phone?
- 15 Q No, I'm asking you.
- 16 A I'm sorry. I did take his cell phone prior to Officer
17 Andrews arriving.
- 18 Q Okay. You -- he was playing with the cell phone on the
19 couch --
- 20 A Right.
- 21 Q -- and you took it away from him at that point?
- 22 A Yes.
- 23 Q Okay. As far as you are concerned was he under arrest at
24 that point?
- 25 A Yes.

1 Q All right, and did you tell him when you took the phone why
2 you were taking it?

3 A Yes.

4 Q Why?

5 A I told him that it was -- it's gonna be -- we're taking it
6 as part of the arrest.

7 Q He was already told he was under arrest?

8 A Yes.

9 Q Okay. So before Andrews even got there you had confiscated
10 the phone from him --

11 A Yes.

12 Q -- after being told that he was under arrest?

13 A Sorry, yes.

14 Q Okay. And then -- now, you said you left soon after the
15 defendant did?

16 A Yes.

17 Q And why did you do that?

18 A There's -- anytime you're arrested -- (undecipherable) --
19 there's a lot of paperwork and conduct that has to be done
20 immediately, so I was tasked with doing that.

21 Q Okay, and what did you -- what did you do?

22 A I had to contact Children's Village and arrange for him to
23 be held there and then I had to complete paperwork -- their
24 intake paperwork.

25 Q All right, and that has to be done immediately?

1 A Well, you have -- you have several hours, but sometimes the
2 process takes a long time, so it's something we don't want
3 to -- we don't want to wait for.

4 Q All right. Did Detective Hammond leave the scene at that
5 time too?

6 A Yeah. He either left right at the same time or -- he left
7 right around the same time I did.

8 Q And what was his purpose of leaving?

9 A The same thing, he -- he had -- someone had to get started
10 on writing the report for the interview.

11 Q Okay, so he wrote a report that summarized the interview?

12 A Yes, Sir.

13 Q Okay. Did you see the defendant again that night?

14 A I did.

15 Q When?

16 A I did. I assisted in the transport to Children's Village.

17 Q All right, and where -- from the Farmington Hills Police?

18 A From Farmington Hills Police Department.

19 Q And about how long after he was taken into custody did that
20 happen?

21 A I would say it was probably an hour and a half, maybe two
22 hours.

23 Q Okay. And --

24 A That's my best guess. It might have been a little longer
25 than that, but...

1 Q Okay. All right.

2 MR. SKRZYNSKI: Thank you, I don't have
3 anything further.

4 RECROSS-EXAMINATION

5 BY MR. SCHIANO:

6 Q Detective, you indicated that after reviewing the video
7 around 1:30, 2:00 o'clock you then -- you had a meeting with
8 these other detectives and sergeants back at the police
9 station, correct?

10 A We were all kinda watching the video together, yeah.

11 Q And you came up with this plan to go back and talk to the
12 children, correct?

13 A Yes.

14 Q You verify that the father's tether was working and that he
15 was nowhere near the scene, correct?

16 A We had previously done that? Yeah.

17 Q Yes.

18 A Yes. Yes, Sir.

19 Q So you had no intent of talking to the father at the time,
20 correct?

21 A Well, no, that's not true. I mean, I still need to talk to
22 him.

23 Q Well, you didn't say you wanted to talk to him, you let him
24 go to pick up his daughter, correct?

25 A Yes.

1 Q And he told you it was like an eight minute round-trip to go
2 to the library and pick up and come back, right?

3 A He didn't tell me that, no, Sir.

4 Q That's where the library is, right? You know where it is,
5 right?

6 A I know where it is.

7 Q You know where it is in location to his house, correct?

8 A Yes, Sir.

9 Q All of an eight minute round-trip trip, right?

10 A Sure, but there's more to it than that.

11 Q Yes or no, is it an eight minute round-trip from Howard Road
12 to the library?

13 A I don't know.

14 Q Well, you're an officer in Farmington Hills for how long?

15 A Twelve and a half years.

16 Q And tell me what the distance between Howard Road and the
17 library.

18 A Probably about three miles.

19 Q Three miles, and you talked to Muhammad for close to 40
20 minutes after the father left, he was kept outside the house
21 for at least a half hour by your officers, isn't that a fair
22 statement?

23 A I have no idea.

24 Q You have no idea.

25 A I was sitting inside the house with my back to the wall

1 speaking to him. I can't comment on anything that happened
2 outside, I wasn't there.

3 Q Okay, but you were well aware that not only yourself,
4 Hammond and Wehby were in the house but there were other
5 officers securing the premises at the time you were talking
6 to the -- to Muhammad, isn't that a fair statement?

7 A It's a fair statement that I knew that the other detectives
8 were going to arrive, yes.

9 Q Arrive and make sure no one came into that house without
10 your permission, isn't that a fair statement?

11 A No, I didn't -- I didn't give anyone any direction.

12 Q But when you talked to the officers and had this plan to
13 come over and talk to Muhammad and Aya, it was your intent
14 to -- strike that. You believed that there were -- that he
15 was a suspect, is that a fair statement?

16 A At what point?

17 Q Well, when you viewed the video.

18 A There was a potential that he was, yes.

19 Q Okay, so that's -- you discussed that, that it looked like a
20 male according to you, correct?

21 A Yeah, it could have been --(multiple speakers)--

22 Q You thought that -- you told us before, earlier this morning
23 that whoever was in the room dragged the body across the
24 room, that was your opinion at the time, right?

25 A Yes.

1 Q Okay, so your opinion there's only a male and a female in
2 the house, you assumed it was a male, correct?

3 A No, I think you're making a large assumption there. If I
4 would have talked to Aya first, he said, "Yeah, go ahead and
5 talk to Aya," and she said, you know, there was 20 other
6 people in the house last night --

7 Q But you had talked to everybody earlier on the 21st, you
8 knew there was only the three people in the house, right?

9 A I didn't talk to them.

10 Q You never talked to anybody?

11 A I didn't talk to Aya and I talked to Muhammad for about 20
12 seconds.

13 Q But you and your other officers, the other detectives, all
14 knew who was in the house on the 21st, correct?

15 A We had known what they told us, who -- who was in the house
16 on the 21st.

17 Q And so after you view the video you go over there with the
18 suspicion that Muhammad was involved somehow, correct?

19 A Suspicion that someone else was involved.

20 Q Okay, and you lie to Bassel and you tell him that oh, we
21 just want to check on a timeline, remember saying that?

22 That's in the -- it's in the transcript, I mean --

23 A Not specifically, but --

24 Q You want me to read it to you? I mean, if you don't know --

25 A No, that's okay.

1 Q I mean, if you don't --

2 A I don't remember it specifically, no.

3 Q Okay, but you say something to the effect of, oh, we just

4 want to check on the timeline.

5 A Right, and that's part of the --

6 Q Well, that wasn't really true, right?

7 A No, that is absolutely true.

8 Q Well, you lied to him, you didn't tell him that there was a

9 video, did you? You kept that from him, right?

10 A That's two -- you're asking me two different questions.

11 Q I'll do it one at a time then. You never told him you had a

12 video you wanted to question Muhammad on, did you?

13 A No.

14 Q You never told Bassel that you had a video that you wanted

15 to question Muhammad on, did you?

16 A No.

17 Q You never told him that his son was gonna be a suspect at

18 the time, did you?

19 A Like I said, it wasn't until we actually sat down with him

20 in the interview before we --

21 Q Yes or no, Detective?

22 A -- said that.

23 Q Did you tell him that or not?

24 A I just said that it was a -- it's not a yes or no question.

25 Q Okay. Did you tell Muhammad that he was free to go when he

1 sat down at the table?

2 A I didn't specifically tell him, no.

3 Q Well, that's a simple question, yes or no, did you tell him

4 he was free to go or did you tell him he had to stay and

5 talk to you?

6 A No, I didn't -- we didn't tell him that he was free to go.

7 Q Okay, and you know he was 16 years old at the time, correct?

8 A Yes, I did.

9 Q Did you do any background check on him at all?

10 A What kind of background check?

11 Q Medical history, educational history at all?

12 A I knew he was -- attended the International Academy.

13 Q Did you know that he was involved in a serious car accident

14 a year prior where he was -- had a concussion, two broken

15 vertebrae and significant injuries, did you know that?

16 A No, I did not at the time.

17 Q Did you ask him about that?

18 A Nope.

19 Q Normally when you question people on interrogations you ask

20 them if they've had any medical history, if they've taken

21 any drugs, have they slept, have they eaten, did you do that

22 in this case?

23 A If I asked him any of those questions?

24 Q Yeah.

25 A I didn't ask him those questions --(multiple speakers)--

1 Q You've taken statements from people before in the past,
2 haven't you?

3 A Yes.

4 Q And you sat them down and you said have you taken any
5 alcohol or drugs before today, remember -- I assume you do
6 that?

7 A Yes, that is something that --(multiple speakers)--

8 Q Do you suffer from any --

9 A -- is done from time to time.

10 Q -- disease or defect, you ask those questions, correct?

11 A On occasion.

12 Q Right, you never did that in this case though, correct?

13 A No, we did not.

14 Q All right. And --

15 A To be fair, he didn't look like he was...

16 Q He didn't look like it and that's the best you can tell us,
17 right?

18 A Sure.

19 Q Okay. So at some point you got yourself across from him
20 with your hidden gun and you got Wehby next to him in the
21 big old chair and you got Hammond to your right, correct?

22 A Wehby is not sitting directly next to him, he's --
23 Muhammad's on his own side of the table.

24 Q He's -- he's by himself, right?

25 A Yes.

1 Q So in that --

2 A Wehby -- Wehby's at the head, Muhammad's here.

3 Q Wehby's got the big -- that big hooded chair?

4 A (Multiple speakers)-- chair.

5 Q Looks like it's some type of a space ship of some sort,

6 right?

7 A You could say that, Sir, yeah.

8 Q All right, and then you got -- you two are directly across

9 the table from him, right?

10 A Yes.

11 Q All right, and you begin to question him, correct?

12 A Do you mean me specifically or the three of us together?

13 Q You say Wayby's (ph) doing most of the questioning, right?

14 A Webby (ph), yes.

15 Q I'm sorry, I apologize.

16 MR. WEHBY: And everybody --(inaudible).

17 MR. SCHIANO: (Undecipherable)-- it's all

18 right.

19 BY MR. SCHIANO:

20 Q So, would it be a fair statement to say that during the

21 course of that 40 minute interview the word "accident" is

22 used by Wehby on a number of different occasions?

23 A Yes.

24 Q Probably about 20 to 25 times.

25 A I -- I don't know how many times, but yes, it was used.

1 Q Matter of fact, that was the story that you folks were
2 feeding to him the entire 40 minutes, just tell us it was an
3 accident, correct? That's what you were telling him? You
4 suggested that to him a number of times, just --

5 A Sure.

6 Q -- tell us it's an accident?

7 A That -- yeah, that was suggested.

8 Q Okay, but that wasn't suggested by Muhammad, that was
9 suggested by Sergeant Wehby during the interrogation that,
10 just tell us it was an accident, and that was said over and
11 over and over again to him.

12 A I think it was more of the context if it was an accident you
13 need to tell us.

14 Q Okay.

15 A Not, this was an accident and tell us it was an accident.

16 Q But that was said to him on a number of occasions, just tell
17 us it was an accident, we know it was an accident, you
18 remember those words coming out of your mouth, or Wehby's
19 mouth or Hammond's mouth at the time?

20 A I think that's not in the context that you're saying it
21 right there, no.

22 Q Okay. Let me just back up a second. When you came into the
23 house and Bassel approached you and Muhammad was upstairs,
24 isn't it fair to say that Bassel attempted to go upstairs to
25 get him and you restricted him from going up there?

1 A Honestly, I really don't recall at this point.

2 Q Well, isn't it true that three officers went upstairs to his

3 room and brought him down to the --(inaudible)?

4 A I don't believe so, but I really don't remember.

5 Q What were you doing then? If you're inside the house with

6 Hammond and Wehby what were you doing at the time when

7 Bassel was either at the stairs looking for his son, where

8 were you in the house?

9 A We were standing in that little entryway kinda hallway

10 between -- entryway of the laundry room and the kitchen

11 there. Kinda at the bottom of the stairs.

12 Q Okay, we're talking about the stairs --(multiple speakers)--

13 A Yeah.

14 Q -- right here?

15 A Yeah, just kinda in that area.

16 Q Okay, and what door did you enter, this entryway?

17 A I believe it was, yes, Sir.

18 Q Okay, so if you come into this entryway, he's at the

19 stairway going -- and started going up here, this is the

20 table you folks were at, right?

21 A Yes, Sir.

22 Q And so you're telling me that he goes to the stairs and he's

23 told to stop --

24 A I didn't say that. You said that. I said I didn't recall.

25 Q Okay. In the transcript the first three words are, "Going

1 downstairs do you" -- this is Detective one, I'm not sure
 2 who that was, whether it was you or not, and this F, which
 3 is Bassel, "no, I'm going upstairs," and then D again,
 4 another one of the detectives, "Umm, hold a second, is your
 5 son up there?" Did you say that, Wehby or Hammond?
 6 A Honestly, I don't recall. I guess we could listen to it and
 7 he'd be able to tell you.
 8 Q Okay, but at some point one of the detectives stops the
 9 father from going up to get his son.
 10 A I don't --
 11 Q That's what's said on the tape at least. Is this wrong or
 12 not?
 13 A I'm not saying it's wrong, I'm saying I don't specifically
 14 recall those -- how that happened.
 15 Q There's conversation on a recorder upstairs where one of the
 16 detectives is talking with Muhammad and talks about an air
 17 gun, do you remember that?
 18 A I remember there being an air gun, yes.
 19 Q Okay, and that -- the detective is talking to Muhammad up in
 20 his room on the second floor, not the father, do you recall
 21 listen -- did you ever listen to this tape, by the way?
 22 A That -- not from that point, no, I don't think so. Just
 23 from the part where that interview started.

24 MR. SCHIANO: Judge, I don't want to waste
 25 the court's time, I'd like to play the first few minutes of

1 these. I know we only have 10 minutes, I have a lot of
2 questions left I think, but it's up to the court. I'd like
3 to play the first few minutes just to see if it refreshes
4 his recollection. I know the court's listened to it, but --

5 THE COURT: And how long -- how long is the
6 audio?

7 MR. SCHIANO: The audio portion is 40 minutes
8 but I'm not playing --

9 THE COURT: No, no, no, I meant what you want
10 --

11 MR. SCHIANO: I think it's just the first --
12 Judge, it looks like it's probably only about a minute or so
13 from the beginning at this point, if we can just -- counsel,
14 I'm sure, he's just play that first few minutes?

15 THE COURT: Certainly.

16 (At 4:20:39 p.m., Playing of Interview
17 Commenced - Not Transcribed)

18 MR. KEAST: Can I approach?

19 THE COURT: You can put it up here if you
20 want.

21 MR. SCHIANO: Can you turn it up --
22 (inaudible)?

23 THE WITNESS: I can't --

24 MR. SCHIANO: Could you start the --
25 (inaudible)?

1 THE COURT: (Inaudible).

2 THE WITNESS: What's that? Yes, it is,

3 Ma'am.

4 THE COURT: Okay, that's the full volume.

5 THE WITNESS: I did hear my voice. I'm the
6 one who says, "Is your son up there?"

7 BY MR. SCHIANO:

8 Q So you're the one that tells him not to go upstairs then?

9 A Honestly, I don't recall. I mean, I'm sure if it's on video
10 I'm sure I'll be able to tell you if it's me or not. Yeah,
11 so neither of those voices are me.

12 Q Okay. (Audio continues playing).

13 A The one that says, "That is cool down" (ph) is not me.

14 Q Keep going. Who is that?

15 A That's Sergeant Wehby. Should I stop it?

16 Q No. You could stop it right there.

17 A Did you say stop it, Sir?

18 Q Stop it please, yeah.

19 A I'm sorry, I couldn't hear you, it's right in my ear.

20 (At 4:23:16 p.m., Audio Interview Stopped)

21 BY MR. SCHIANO:

22 Q So at some point you hear Sergeant Wehby talking to Muhammad
23 saying, "Come -- you're gonna come downstairs with us,"
24 right? That's what he said?

25 A I just heard it on there, yes.

1 Q Okay, so the father's not with him on the second floor,
2 correct?

3 A It doesn't appear that he is. I don't know.

4 Q You don't hear his voice, do you?

5 A I don't hear his voice.

6 Q You hear Sergeant Wehby talking about an air gun, you hear
7 Sergeant Wehby saying, yeah, he kinda gets it, all right, so
8 what this is, nothing more, we're just trying to narrow down
9 some stuff, just trying to make sure everything's covered
10 and everything like that, so, all right, and then Muhammad
11 says, "Come with you guys?" question mark. And Wehby says,
12 "Yeah, we're just gonna go downstairs and wait for your dad
13 to come down. I think he's looking for your sister. You
14 want to grab a seat, that's fine." That's what he says, you
15 hear that on the tape, correct?

16 A Yes.

17 Q Okay, so the father doesn't go up and get him, the officers
18 go upstairs and bring him down to the diningroom table, is
19 that a fair statement?

20 A Again, Sir, I don't know. I don't know if he was there with
21 them. Just because he's -- you don't hear his -- his voice
22 on the audio, I can't say whether or not he was there.

23 Q You don't hear his voice but all you hear is Wehby talking
24 to Muhammad and Muhammad talking back and the father -- no
25 father voice the whole time, fair to say?

1 A That is fair to say, yes.

2 Q And you hear the son saying you want me to come with you

3 guys and you guys meaning, I assume, police officers, not

4 his father, correct?

5 A Yeah, I think so, yes.

6 Q And on top of it Wehby says something to the effect of,

7 "Yeah, we're gonna wait for your dad to come down." So --

8 but dad's not there. Wehby says that right on the

9 statement, right?

10 A Are you asking me to --

11 Q Do you want to look at the transcript?

12 A No. I mean, that's what we all just heard, yes.

13 Q Well, I'm just asking you, does that refresh your

14 recollection? You were downstairs --(multiple speakers)--

15 A I wasn't -- like I said, it doesn't refresh my recollection,

16 I wasn't there. I can't just hear it on the tape though.

17 Q Okay, but when he was brought downstairs he was brought

18 downstairs by the officers, you were there when he came down

19 the stairs, weren't you?

20 A At some point I was there, yes. I already testified that I

21 don't remember exactly how he got downstairs.

22 Q Okay. You don't know how he got downstairs, you don't know

23 what you were doing and you don't know where you were in the

24 house, is that what you're telling me?

25 A I said I came in, I was in that little area there, I don't

1 even remember exactly where I was standing at every point
2 during the entire time I was at the house, no. That is
3 correct, I don't remember that.

4 Q All right. But nonetheless, you -- who had the tape
5 recording device, you don't know who it was? Was it Hammond
6 or yourself?

7 A It was one of the two. I don't remember. I believe it was
8 actually me, but.

9 Q Did you tell the defendant or the defendant's father that
10 they were all going to be tape recorded?

11 A No.

12 Q No. So it was something you kept concealed in your pocket?

13 A I think Hammond actually had it, I'm sorry. I wasn't there,
14 I didn't --

15 Q Whatever device was, was hidden so that these people didn't
16 know they were being tape recorded, fair to say?

17 A No, I keep it out.

18 Q Well, you said Hammond had it so who had it?

19 A Well, I believe Hammond had it, but I wouldn't -- I don't
20 know what Hammond told them or didn't tell them.

21 Q Well, you were present, I would assume, for at least 99
22 percent of this interview, right?

23 A Yes.

24 Q Okay, did you hear him say it was going to be tape recorded?

25 A No.

- 1 Q Okay. Let's go back a second to the idea here that the
2 father tells you folks that he's gonna go get his daughter,
3 Aya, at a place three miles away, right? And it's your
4 testimony that you speak with Muhammad for close to 40
5 minutes, right, the whole period of time --
- 6 A Yeah, somewhere between 30 and 40 minutes, yeah.
- 7 Q And it's your testimony that he never tries to get back into
8 the house until you're all the way done getting a statement
9 from the defendant, is that what your testimony is?
- 10 A Yes.
- 11 Q After 40 minutes.
- 12 A Yeah, that -- when he -- when he walked in and the sergeant
13 talked to him he said I don't want you guys to talk to him
14 anymore, we stopped.
- 15 Q And you don't -- do you remember saying to you folks when he
16 came back in, "I told you I need an attorney, I should get
17 counsel as an attorney (ph), I told you --(undecipherable)--
18 counsel an attorney"? You remember him saying that to you?
- 19 A I remember him saying that.
- 20 Q What's that?
- 21 A I remember him saying that, yes.
- 22 Q Okay, and do you remember him saying that before he left?
- 23 A No.
- 24 Q But you remember him saying it when he got back?
- 25 A Yes.

1 Q And again, you never advised Muhammad at any time of his
2 Miranda warnings, correct?

3 A Correct, Sir.

4 Q You also never told him he could consult with a lawyer?

5 A That would be part of Miranda warnings, yeah.

6 Q You never told him that he could get a lawyer before you
7 even questioned him at all, right?

8 A That's also part of the warnings, yes.

9 Q You also told him that he didn't have to answer any of the
10 questions, right?

11 A No, Sir.

12 Q No. Did you ask him whether or not he wanted to wait for
13 his father to come back home?

14 A No, we didn't ask him. His father was the one that told us
15 to go in and talk to him.

16 Q Well, that's after you lied to him and said you just wanted
17 to check on the timeline, right?

18 A I did want to --

19 MR. SKRZYNSKI: Objection --(multiple
20 speakers)--

21 THE WITNESS: -- timeline --

22 MR. SKRZYNSKI: -- to that characterization.
23 Objection.

24 BY MR. SCHIANO:

25 Q Well, you lied to him when you said --

1 MR. SKRZYNSKI: Objection to the
2 characterization.

3 BY MR. SCHIANO:

4 Q -- all you want to talk to his timeline.

5 THE COURT: All right.

6 BY MR. SCHIANO:

7 Q That's all you asked him, isn't that a fair statement?

8 MR. SKRZYNSKI: Well, Judge, are you gonna
9 rule?

10 THE WITNESS: He --

11 THE COURT: Just a minute. Please.

12 THE WITNESS: Oh, I'm sorry.

13 THE COURT: Mr. Schiano, there's an objection
14 before the court, you need to stop please.

15 MR. SCHIANO: I will, Judge. I will.

16 THE COURT: Thank you. And that is a
17 mischaracterization. If you want to ask a different
18 question, go ahead. Phrase it differently.

19 BY MR. SCHIANO:

20 Q The only thing you told Bassel about what you were gonna do
21 is ask about a timeline, that's the statement you gave to
22 Bassel before he left, isn't that a fair statement?

23 A It is because the timeline that -- he gave us two different
24 timelines. He told us he was awake at two different times
25 of the day.

1 Q Okay, and did you ever verify any of the statements that Aya
2 had given you?

3 A We didn't have the opportunity to, Sir.

4 Q Well, the only time you talked to Muhammad was -- you talked
5 to him twice I take it, correct?

6 A I talked to him briefly on the 21st --

7 Q Okay.

8 A -- where I asked him if the security system worked and he
9 said he didn't think so, he didn't want to talk to me at
10 this point. I said okay. I talked to him on the 22nd
11 briefly in his room and then I talked to him during the
12 interview.

13 Q Okay. But you just told us that you -- that the timeline
14 was off. When did the timeline become off for you? I'm
15 sorry, I missed that.

16 A He originally told the responding officers that he had got
17 there at -- that he got up at 6:30. When I talked to him on
18 the -- earlier he said 6:00 and then the dispatch run time
19 was -- he said that he -- the timing was off on that, it
20 came in before 6:30, I believe, so it just -- we were just
21 trying to clarify that part of it.

22 Q So your timeline that you were concerned about was about a
23 half hour, is that -- (multiple speakers) --

24 A Sure.

25 Q So that's what you told Bassel about, correct?

1 A Yes.

2 MR. SCHIANO: Judge, I don't know if you want
3 me to stop, keep going? It's 4:30, it's up --

4 THE COURT: Yeah, we are going to -- we are
5 going to stop for today. I'm going to ask that you come
6 back Monday morning --

7 MR. SCHIANO: Judge, I'm sorry, I'm not
8 available --(inaudible).

9 THE COURT: Okay. Well, that's a problem
10 because I'm gonna be in back-to-back trials before this
11 trial is going to start and I'm pressed for time to continue
12 this, and so I already had my staff contact the trial that
13 was supposed to start at 8:30 on Monday and tell them to
14 come at 1:30 so I could conclude this.

15 MR. SCHIANO: I'm scheduled to be in federal
16 court back in Rochester. I have court hearings on Monday
17 and Tuesday next week.

18 MR. SKRZYNSKI: Your Honor, I just want to
19 point out that depending on what the court rules, I mean,
20 I'm sure that there's going to be, you know, some appellate
21 issues if -- you know, I think no matter how the court
22 rules, and I think that -- I mean, this is being brought
23 very close to trial and it's a hearing that's gonna
24 obviously go probably two days easily, and I think that -- I
25 mean, the trial date is set for October the 8th. I mean, if

1 the court wants to -- I mean, I understand Mr. Schiano was
2 not anticipating having to come back Monday, I understand,
3 and he's got a schedule already --

4 THE COURT: Certainly, I --

5 MR. SKRZYNSKI: But I'm asking -- I mean, if
6 we're gonna do this like this, if we could -- I want to move
7 the court date, the trial date, because I think it's gonna
8 be impossible to, you know, do what we're going to have to
9 do between now and then, especially when we're -- and not
10 only that, but we're unsettled as to what the evidence is
11 going to be. I mean, I don't know how the court's gonna
12 rule on even the DVD or on this hearing, and that's --
13 that's pivotal stuff for my case.

14 So, I mean, I'm asking that if we're gonna,
15 you know, do this, we're gonna do this, you know, in a
16 reasonable way. And I'm not saying the court's
17 unreasonable, I'm not assuming that's it, but I mean in a
18 way that I'm sure the court would like to, you know, where
19 we have the time to, you know, to do the evidence correctly
20 and you make the ruling.

21 I would suggest and ask that we move the
22 court date -- I mean the trial date.

23 THE COURT: All right. Well, let me ask you
24 this, when you say that you foresee appellate issues, which
25 I understand, are you indicating either side filing

1 interlocutory appeals?

2 MR. SKRZYNSKI: That's what I mean, that's
3 what I'm talking about.

4 THE COURT: Okay. All right. Okay --

5 MR. SKRZYNSKI: Depending on how the court
6 rules.

7 THE COURT: Yeah, I understand. Well,
8 depending on how I rule one side or the other is not gonna
9 be happy --

10 UNIDENTIFIED SPEAKER: Somebody's not gonna
11 be happy.

12 THE COURT: -- with my ruling, so having said
13 --

14 MR. SKRZYNSKI: I mean, yeah, depending on --
15 (multiple speakers)--

16 THE COURT: -- that -- beg your pardon?

17 MR. SKRZYNSKI: Depending on who rules -- how
18 you rule which side does.

19 THE COURT: Well, that's what I'm -- so, if
20 both sides are telling me depending on how I rule that
21 you're gonna take it up on an interlocutory appeal then that
22 does change the landscape a little bit and --

23 THE WITNESS: Should I step down?

24 THE COURT: Yes, you may step down.

25 Absolutely. I'm sorry.

1 THE WITNESS: No, no problem.

2 THE COURT: Go right ahead.

3 THE WITNESS: Thank you, your Honor.

4 (At 4:33:40 p.m., witness excused)

5 THE COURT: Well, how about if we just return
6 on the first day that was scheduled for trial on October 8th

7 --

8 MR. SKRZYNSKI: For the continuation --

9 THE COURT: -- to continue?

10 MR. SKRZYNSKI: -- of the hearing?

11 MR. HART: I'm sorry, Judge?

12 MR. SCHIANO: October 8th for the

13 continuation --

14 THE COURT: October 8th, which was the --

15 MR. HART: Oh.

16 MR. SKRZYNSKI: Oh, okay.

17 THE COURT: Okay? I mean, if I'm gonna push
18 the trial back because of it then let's just continue the
19 hearing on October 8th.

20 MR. SKRZYNSKI: Okay.

21 THE COURT: Is -- got a problem with that? I
22 mean...

23 MR. SKRZYNSKI: I just -- I was -- I'm gonna
24 have something going in November, I already have -- if I can

25 --

1 THE CLERK: (Inaudible).

2 MR. SKRZYNSKI: All right, that's fine.

3 THE COURT: Okay. Yeah -- yeah, no, it
4 wouldn't be in November, it probably would get kicked over
5 to December.

6 MR. SKRZYNSKI: Okay. All right.

7 THE COURT: That's the best I can do, I mean.

8 MR. SKRZYNSKI: Judge, that's fine. I'm
9 sorry, that's fine. That's fine, I appreciate it.

10 THE COURT: I wasn't anticipating that it
11 would take more than a day --

12 MR. SKRZYNSKI: No, I --

13 THE COURT: -- to conclude this, so.

14 MR. SCHIANO: I'm sorry.

15 THE COURT: Otherwise I certainly would have
16 scheduled more time for it.

17 MR. SCHIANO: Did the court want to
18 reschedule the trial date now? I'm sorry, I missed
19 counsel's -- you said December?

20 THE COURT: We certainly can give you another
21 trial date in December. We will make a trial date in
22 December.

23 THE CLERK: Yeah. The only issue is running
24 into the holidays. This is gonna take weeks and weeks, I
25 don't know if you want to start it before the holidays?

1 MR. HART: Could we work it out so that we
2 end the trial on the day before Christmas?

3 MR. SCHIANO: My birthday's around that time
4 too, don't do that.

5 THE COURT: Yes, because you really are going
6 to get a lot of jurors who are going to have issue.

7 All right.

8 MR. HART: I'm sorry, I didn't mean to have
9 my back to you.

10 THE COURT: No, that's quite all right. We
11 can start on the 26th of November. That's right after the
12 Thanksgiving holiday.

13 MR. HART: How long are we scheduling the
14 trial for, Judge?

15 THE COURT: Well, I had originally scheduled
16 three weeks.

17 MR. HART: Three weeks.

18 THE COURT: Yes. I mean, I have no idea how
19 much time it will take.

20 MR. SKRZYNSKI: Your Honor, may --

21 THE COURT: I can tell you what I -- oh, I'm
22 sorry.

23 MR. SKRZYNSKI: I just wanted to have one
24 minute to have the officers come back in so they can hear
25 this.

1 THE COURT: Absolutely.

2 MR. SKRZYNSKI: Thank you. Oh. No, I
3 thought -- okay, I didn't see them.

4 MR. SCHIANO: Judge, I have a trial back in
5 Rochester but I will move that just so we can put -- so that
6 I'll ask the Judge to move it.

7 THE COURT: Okay.

8 MR. SCHIANO: It's --(inaudible)-- defendants
9 on a custody on a case (ph).

10 THE COURT: Because my -- my procedure when I
11 start a trial is that I go all day except on my motion call
12 and criminal call days, and on those days I go half days in
13 the afternoon, so.

14 MR. HART: Which days are your --

15 THE COURT: Wednesday mornings are my motion
16 call and Thursday mornings, of course, are my criminal call.
17 So those would be the only two mornings of the week when I
18 start a trial that I -- I wouldn't be continuing the trial.
19 But as I said, I always go in the afternoon on those days.
20 I push my -- I push my trials through. I don't --

21 MR. SKRZYNSKI: Yeah, I appreciate that.

22 MR. HART: You won't hear any objection from
23 any of us.

24 MR. SCHIANO: Not from me either, Judge.

25 MR. HART: Just so I'm clear, just for

1 scheduling purposes though, Judge, just so I'm clear, you
2 don't try cases Wednesday morning or Thursday morning?

3 THE COURT: Correct.

4 MR. HART: Okay.

5 THE COURT: Yeah.

6 MR. SKRZYNSKI: So did we set the 26th?

7 THE COURT: The 26th.

8 MR. SCHIANO: Thank you.

9 THE COURT: Okay. Very well. And I will see
10 you all back here on October 8th to hopefully complete --

11 MR. SCHIANO: 8:30?

12 THE CLERK: 8:30.

13 MR. SCHIANO: Thank you.

14 MR. SKRZYNSKI: Thank you very much, your
15 Honor.

16 THE COURT: 8:30, yes. Thank you.

17 MR. SKRZYNSKI: Oh, Judge, just to say, I
18 mean, I just want to make sure that we have an agreement --
19 I mean that both sides are in agreement about the -- about
20 the adjournment of the trial?

21 MR. SCHIANO: Yes.

22 MR. SKRZYNSKI: Okay, thank you.

23 THE COURT: Okay.

24 MR. SCHIANO: Does that push back the court's
25 order in regards to witnesses? I know John gave me his

1 witness list but I have mine prepared to give him next week.

2 We can push it back to 14 days notice if the court --

3 MR. SKRZYNSKI: If we could do that, I

4 appreciate that.

5 THE COURT: That's fine.

6 MR. SKRZYNSKI: Okay.

7 THE COURT: We can do that.

8 MR. SCHIANO: All right. Thank you.

9 MR. SKRZYNSKI: All right. Thank you, your

10 Honor.

11 THE COURT: Okay. Thank you.

12 MR. SKRZYNSKI: Thank you, Judge.

13 UNIDENTIFIED SPEAKER: Thank you, your Honor.

14 (At 4:39:10 p.m., hearing concluded)

15

CERTIFICATION

This is to certify that the attached electronically recorded proceeding, consisting of three hundred sixty-three (363) pages, before the 6th Judicial Circuit Court, Oakland County, Michigan:

PEOPLE OF THE STATE OF MICHIGAN

v

MUHAMMAD AL-TANTAWI

_____ /

Location: Pontiac, Michigan

Date: Friday, September 21, 2018

was held as herein appeared and that this is testimony from the original transcript of the electronic recording thereof, to the best of my ability.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernible on the electronic recording of the proceedings.

/s/ Sally Fritz
Sally Fritz, CER #7594
Certified Electronic Recorder

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PEOPLE'S APPENDIX B

**Evidentiary Hearing, Vol. II
(Complete Transcript), 10/8/2018**

OAKLAND
COUNTY

17-265355-FJ



JUDGE MARTHA D. ANDERSON
PEOPLE v ALTANTAWI, MUH

STATE OF MICHIGAN

6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN

v

File No.: 2017-265355-FJ

MUHAMMAD AL-TANTAWI,

Defendant.

EVIDENTIARY HEARING

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Monday, October 8, 2018

APPEARANCES:

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1 Pontiac, Michigan

2 Monday, October 8, 2018 - 8:53:28 a.m.

3 THE CLERK: Your Honor, calling People versus

4 Al-Tantawi, case number 2017-265355-FJ.

5 MR. SKRZYNSKI: Morning, your Honor, my name

6 is John Skrzynski, I'm here for the People.

7 MR. KEAST: Thank you, Marc Keast on behalf

8 of the People.

9 MR. SCHIANO: Good morning, your Honor,

10 Michael Schiano on behalf of Mr. Al-Tantawi.

11 MR. HART: Good morning, your Honor, Marc

12 Hart appearing on behalf of Mr. Al-Tantawi.

13 MR. HART: Judge, can we --

14 THE COURT: Good morning, counselors.

15 MR. HART: -- can we move -- I know Mr.

16 Skrzynski did this for purposes of showing the court, can we

17 move it back a little bit? I can't see you --

18 MR. SKRZYNSKI: I -- yeah, that's fine with

19 me.

20 THE COURT: That's fine. You can move it

21 back a little.

22 MR. SKRZYNSKI: Okay, be careful, it's pretty

23 fragile. Oh, there you go.

24 MR. HART: Is that okay? Can you see, Judge?

25 That's really the only one that counts.

1 THE COURT: I can see. Yeah, I'm the one
2 that counts, I understand that.

3 MR. HART: That's right.

4 THE COURT: I can see that. Thank you.

5 MR. HART: Okay, thanks.

6 THE COURT: All right, once again, before we
7 begin I do want to caution the press that I do not want any
8 pictures of the defendant in his jail garb there, or
9 detention garb, so if you're going to take pictures then
10 take it from the head up only of the defendant. Is that
11 understood?

12 All right then. Yes?

13 MR. SCHIANO: Judge, just a housekeeping
14 matter. I know -- I'm not sure what the policies here are
15 in Oakland County in terms of having him handcuffed the
16 entire time, I would just like to see if the court would
17 allow him to let one of the handcuffs off him so he could
18 write with us? He can't even write with the way he's
19 shackled up right now, if we can at least unhook him?

20 THE COURT: Yes. Deputies, if you'll take
21 his handcuffs off please?

22 MR. SCHIANO: Thank you.

23 THE COURT: No problem.

24 MR. HART: Judge, if we can have one second
25 please?

1 THE COURT: Certainly.

2 MR. SCHIANO: (Inaudible).

3 MR. SKRZYNSKI: Oh.

4 MR. SCHIANO: Move something in, or no?

5 MR. SKRZYNSKI: Yeah, I think we're all --

6 (inaudible). We're all set.

7 MR. SCHIANO: Judge, just housekeeping ways

8 (ph), I know we have an order of sequestration still in

9 effect, I'm not sure --(undecipherable)-- I don't know who

10 this gentleman is. Sorry.

11 MR. GERRICK: Detective Gerrick (ph).

12 MR. SKRZYNSKI: He's not gonna be -- he won't

13 be testifying in this -- in this hearing.

14 MR. SCHIANO: Okay, I just wanted --

15 appreciate it. Thank you.

16 THE COURT: Okay. All the other witnesses

17 that are gonna be testifying are --

18 MR. SKRZYNSKI: Yes, they are -- everybody

19 else is out.

20 THE COURT: -- sitting in the hallway? All

21 right.

22 MR. SKRZYNSKI: I believe that Detective

23 Molloy was under cross when we broke, so if he could take

24 the stand?

25 THE COURT: Okay. Retake the witness stand

1 please, Detective?

2 MR. MOLLOY: Thank you, your Honor.

3 THE COURT: And I'll remind you that you are
4 still under oath.

5 RYAN MOLLOY

6 (At 8:56:10 a.m., witness recalled, previously sworn, testified
7 as follows):

8 MR. SCHIANO: I would need just two minutes
9 with -- Mr. Hart's just keying up some audio we'll be
10 playing.

11 THE COURT: Go ahead and be seated.

12 THE WITNESS: Yes.

13 THE COURT: And I also want to caution anyone
14 who is sitting in the gallery that there's to be no
15 discussion of the testimony that goes on in the courtroom
16 with anyone that's seated outside the courtroom. Is that
17 understood? Is that understood?

18 UNIDENTIFIED SPEAKER: Yes.

19 THE COURT: Thank you.

20 MR. HART: Thank you, Judge.

21 RECROSS-EXAMINATION

22 BY MR. SCHIANO:

23 Q Good morning, Detective.

24 A Morning, Sir.

25 Q I know it's been a few weeks since we've here (ph) and I

1 don't want to rehash everything we talked about last time.
2 I'm going to go over a couple things with you if you'll just
3 allow me to? Again, prior to going over to the house that
4 afternoon you had a meeting at your Farmington Hills Police
5 Department with a number of officers, correct?
6 A Are you talking about the afternoon of the 22nd?
7 Q Yes, Sir.
8 A Yes.
9 Q All right, and who was present for that meeting, if you can
10 tell me?
11 A I don't -- again, I don't think there was like some big
12 formal meeting that we all sat down or anything.
13 Q Well, prior to --(multiple speakers)-- prior to having this
14 meeting you had discussed what you had viewed on the video,
15 correct?
16 A Yes.
17 Q And who did you discuss that with?
18 A Sergeant Wehby.
19 Q And?
20 A Officer Hammond was there -- sorry, Detective Hammond,
21 Detective Gerrick, Detective Double (ph) --(undecipherable)
22 -- Smith, I'm not sure who else was standing there at the
23 time.
24 Q And at some point -- do you recall the time it was at?
25 A Not exactly, no.

1 Q You got over to the house between 3:00 and 3:20, does that
2 sound familiar?

3 A That sounds about right, yes, Sir.

4 Q Okay, so prior to that time you had had a conversation at
5 least -- and viewed this video with those individuals prior
6 to going over to the house, fair to say?

7 A Yes.

8 Q All right, and you had obtained that video approximately
9 1:00 o'clock that day, right?

10 A That sounds about right, yes, Sir.

11 Q So between 1:00 o'clock when you obtained the video and 3:20
12 when you got to the house you had these conversations or at
13 least these meetings with these other individuals and viewed
14 the video prior to going back over to the house on Howard
15 Road, fair to say?

16 A Yes.

17 Q Okay, and I'm a little ignorant here, I'm not from this
18 area, tell me how many police officers are employed by the
19 Farmington Hills Police Department, if you can tell me?

20 A The -- I don't know the exact number right now, I can give
21 you an approximate.

22 Q Ball park it for me.

23 A We have 105 total officers. That includes patrol
24 investigations and all command, detectives, everybody.

25 Q So on an average day how many officers are working? I mean,

1 not all of them I take it, right?

2 A No.

3 Q Half or quarter of them probably?

4 A It depends on the shift and it's police work, it's

5 different, you know?

6 Q But at least three of you, the investigators plus some

7 patrol officers, went over to the house on Howard Road that

8 day, correct?

9 A Eventually or what time?

10 Q Well, at first the three of you went over, correct?

11 A Yes.

12 Q And that would be yourself, Waybe (ph) and Hammond, correct?

13 A Yes.

14 Q And we aware of any other officers that accompanied you to

15 the house at Howard Road when you arrive there at 3:20?

16 A That accompanied us or were on the way there?

17 Q Let's go with on the way there, that sounds good.

18 A Yes, I believe Smith was on the way there and McDonald and

19 possibly Detective O'Neil (sp).

20 Q Okay, so at least -- I'm bad at math, at least six of you

21 are on your way over to this house to meet with the family,

22 correct?

23 A Yes.

24 Q Because you told Mr. -- the doctor when you walked into the

25 house, "We want to bring you all back to the station house,"

1 correct? That's what your first -- that was your game plan,
2 wasn't it?

3 A Yes.

4 Q So your game plan was to take the entire family, the two
5 girls, Muhammad and the father, all back to the station,
6 correct?

7 A Yeah.

8 Q And you would need female officers I take it for the girls,
9 right?

10 A Be preferred.

11 Q Well, you had them with you, didn't you?

12 A Well, Detective O'Neil is a female, yes.

13 Q I apologize, I didn't know she was a female. But that's one
14 of them, correct?

15 A Yes.

16 Q Did you have any other female officers --(inaudible)?

17 A (No audible response).

18 Q Okay. But you discussed --

19 A Sorry, no.

20 THE COURT: Thank you.

21 BY MR. SCHIANO:

22 Q You discussed prior to going over there at least this game
23 plan that we needed a female officer to take this girl back,
24 didn't you?

25 A No.

- 1 Q You knew you were going to take the family back, right?
- 2 A I mean, we were going to ask to speak to them. We didn't --
- 3 that doesn't necessarily mean we were going to transport
- 4 them or...
- 5 Q Well, you are going to bring them back to the station house,
- 6 right, you're going to let them drive by themselves?
- 7 A They could have. That really wasn't discussed.
- 8 Q Well, who was in charge? Waybe (sic) was in charge,
- 9 correct?
- 10 A Web-ee (ph). Yes.
- 11 Q I'm going to get it right one of these days. I apologize.
- 12 Waybe, is that right?
- 13 A Web-ee (ph).
- 14 Q Wehby. I'm going to keep on saying --(undecipherable)-- all
- 15 right, I apologize. So he was in charge and directing you
- 16 and the other investigators what to do I take it, correct?
- 17 A Yes.
- 18 Q All right. So prior to getting in there was there some
- 19 discussion as to who you were going to talk to first?
- 20 A I don't think so. We were just going to go and see who was
- 21 there and try to talk to them.
- 22 Q Okay, but so you're telling the court here that three senior
- 23 investigators, yourself, the Sergeant we'll call him, I
- 24 apologize, I'm going to get it right one of these days, and
- 25 Hammond all go over to this house, three fairly experienced

1 officers are going over to the house to talk to these people
 2 after reviewing the video, correct?
 3 A Yes.
 4 Q And you had some idea of what you saw on the video, correct?
 5 A Yes.
 6 Q And you saw what you believed to be a person being thrown
 7 out the window by an individual, correct?
 8 A Yes.
 9 Q And you had your opinion as to who you were going to
 10 question at that point, right?
 11 A Gonna question everybody.
 12 Q Okay, well you can tell it was a male individual, couldn't
 13 you?
 14 A Yep.
 15 Q And you did the background check that the doctor had a
 16 tether on and he wasn't present, correct?
 17 A Correct.
 18 Q So the only other male in the house would've been Muhammad I
 19 take it, correct?
 20 A As far as we know, but who knows what they were going to say
 21 when we got there?
 22 Q Okay. And you had already had conversations with him
 23 before, correct?
 24 A With who?
 25 Q With Muhammad.

1 A Yes. Very briefly, yes.

2 Q All right. Was there any discussion when you arrived at the

3 house after you had walked in the house as to when the

4 recording device that you had secreted on yourself or

5 Hammond was going to be turned on?

6 A I don't believe so, no.

7 Q Do you know when it was turned on?

8 A I don't know exactly when it was turned on --(multiple

9 speakers)--

10 Q Did you tell the doctor or Muhammad that you were tape

11 recording at that point?

12 A No (ph).

13 Q Did you tell the doctor or Muhammad at that point -- let's

14 start when -- did you tell the doctor that you had a video

15 that you had to question him or his son on?

16 A Did we tell them we had the video then? No.

17 Q Yeah.

18 A No.

19 Q Did you tell Muhammad that you had a video that you wanted

20 to question him on at that point when you walked in the

21 door?

22 A No.

23 Q And when you walked in the door was it you or the sergeant

24 who indicated -- asked where Muhammad was, do you recall?

25 A I don't recall.

- 1 Q Okay. Do you recall the doctor prior to turning on your
2 audio asking you or the sergeant in your presence whether or
3 not he needed an attorney?
- 4 A I don't recall that, no.
- 5 Q You don't recall that? Do you recall him mentioning it at
6 the end of the interview when he came back, "I told you I
7 needed an attorney," why did you talk to him?
- 8 A Yeah -- well, I listened to the audio, I heard him say that,
9 yes.
- 10 Q Okay, so the portion of the audio that you heard at the end
11 where he says, "I told you I needed an attorney," you
12 remember hearing that, correct?
- 13 A Yes, I heard --(multiple speakers)--
- 14 Q Were you present when he said that?
- 15 A No.
- 16 Q Who did he say it too, do you recall?
- 17 A I don't --(inaudible).
- 18 Q When you listened to the audio did you recognize the voices
19 as to who he was talking to?
- 20 A Are you talking about --
- 21 Q At the end.
- 22 A At the end, yeah, I was standing there when he -- because he
23 kinda came in, he was talking to Wehby and I was still
24 sitting there, but he was within earshot of all of us.
- 25 Q So you heard him talking to Wehby saying I told you I needed

1 an attorney, why did you talk to my son, correct?

2 A Yes.

3 Q All right, and that was something that he was referring to
4 something that he had mentioned to the sergeant prior to him
5 leaving, correct?

6 A I guess we could speculate to that. I wasn't there for it
7 --(multiple speakers)--

8 MR. SKRZYNSKI: Objection to speculation.

9 THE COURT: Sustained. If you don't know,
10 you don't know, just say so.

11 BY MR. SCHIANO:

12 Q So you weren't present at the conversation with the sergeant
13 I take it, correct?

14 A Correct.

15 Q And at that time during the course of your 40 minutes or so
16 when you were talking with Muhammad alone do you recall how
17 many other officers showed up to the scene?

18 A Well, I was never talking to him alone.

19 Q I'm sorry, when I mean alone I meant alone with the two
20 other officers. I apologize. When you are interviewing him
21 and -- at the dining room table --

22 A Right.

23 Q -- fair to say a number of other officers from the
24 Farmington Hills Police Department showed up?

25 A At some point, yes, but like you said, I was sitting at a

1 dining room table with my back to the wall. I don't know
2 when and where and who showed up.

3 Q Well, I take it you guys have these little radios you talk
4 to people with, correct?

5 A Sometimes, yes.

6 Q I'm not asking sometimes, did you have them on that day?

7 A No.

8 Q Did Sergeant Wehby --

9 A No.

10 Q -- have it on that day? No.

11 A (Undecipherable).

12 Q Thank you. Did he have one on that day? No?

13 A I don't believe so, no.

14 Q Okay. Was he in communication with any of the officers who
15 were maintaining security at the house?

16 A Yes. Yeah, there were at some points, you know, somebody
17 had texted him or called him.

18 Q Do you know who that was?

19 A I don't know, no.

20 Q And you -- the text was that the father was back and wanted
21 to come back in the house, isn't that a fair statement?

22 A I don't know what Sergeant Webby's text said.

23 Q Let's go back to when you all entered the house and you had
24 these conversations with the doctor and you made a comment
25 to him that you wanted to talk about a timeline, you

1 remember saying that?

2 A Yes.

3 Q Okay. So that wasn't exactly the truth, right? You weren't

4 telling him a hundred percent the truth at that point?

5 A I disagree with you. Timeline involves everything. The

6 whole timeline of the whole case.

7 Q Well, you didn't tell him you had this video that you wanted

8 to talk --

9 A No.

10 Q -- so that was sort of a little white lie you were telling

11 him, right?

12 A I didn't tell him a lie, no.

13 Q Okay, but you didn't tell him about this video you had?

14 A Well, he knew we took the video, but no, I didn't tell him

15 what was on it.

16 Q We'll get to that later. So he -- you didn't tell him about

17 what you had viewed on the video, correct?

18 A No.

19 Q So when you told him that we wanted to talk to Muhammad

20 about a timeline, that was your way of getting him --

21 getting into the house, fair to say (ph)?

22 A It was more -- just to talk to him.

23 Q Okay, well he had told you that he didn't want his children

24 subjected to going down to the station house, that's what he

25 told you, correct?

1 A That's correct, yes.

2 Q And he also told you that, you know, he didn't want his

3 daughter, Sidra, or Muhammad or Aya, talked to at that point

4 either, correct?

5 A No, he did not say that.

6 Q Didn't he tell you to wait till he got back?

7 A No, he did not.

8 Q Well, you knew, and correct me if I'm wrong because I'm not

9 around -- from here, you knew he was only going about five

10 or ten minutes away, correct, to pick up his child? Right?

11 The library.

12 A Yes. Yeah --(multiple speakers)--

13 Q And you knew that one of your officers actually followed him

14 the entire way to and from, correct?

15 A I did not know that, no.

16 Q Did you find out after the fact that was done?

17 A I guess so, yes.

18 Q You know it was done, right?

19 A I honestly didn't know if he was -- he followed him to the

20 library or not, I didn't --(multiple speakers)--

21 Q Well, after this investigation -- during -- you found out

22 during the course that he was followed back and forth,

23 correct?

24 A I --

25 Q You said you guess so, you know it happened, right?

1 A You just told me it happened.

2 Q Okay, but you know it happened, right?

3 A No, I -- I honestly -- I did not know that.

4 Q Okay. And you knew that he was kept outside, outside the
5 driveway outside his house for at least 30 minutes while you
6 guys were talking to him, correct?

7 A First, I don't believe that happened, and secondly, I've
8 already testified that I was in the house with my back to --
9 I have no idea of --(multiple speakers)--

10 Q Well, you're a smart guy and you know that it only takes
11 eight minutes or so to get back from the library back to the
12 house though?

13 MR. SKRZYNSKI: Objection. This -- this line
14 of questioning calls for speculation on his part as to what
15 other officers are doing. He's inside the house, as we've
16 established, the blinds closed. And everything that he
17 testifies about, anything that's happening outside the
18 house, including the arrivals of officers, including when
19 they come, who comes in what, is all speculation. I object
20 to speculation on all of that.

21 MR. SCHIANO: Judge, I'm just -- I'll
22 rephrase my question at this point. I'm just asking him if
23 he knows the time period between going from the house to the
24 library and then coming back, if he knows that. He's been
25 an officer in Farmington Hills I think for at least eight or

1 nine years he told me, that's what I'm trying to gather.

2 THE COURT: I'll allow you to ask that
3 question, but as far as what he knows about what took place
4 outside that home when he was inside that home --

5 MR. SCHIANO: That's fine, Judge.

6 THE COURT: -- that is speculation and I'm
7 not going to allow that, so you --

8 MR. SCHIANO: Thank you. I appreciate that.

9 THE COURT: -- may proceed with that
10 question.

11 BY MR. SCHIANO:

12 Q Okay. Investigator, am I promoting you or you're a
13 detective, I apologize?

14 A Detective.

15 Q All right, sorry about that. You indicated that -- or do
16 you know, let's ask you that question, I asked you, house to
17 the library and back, you're a Farmington Hills police
18 officer for a number of years?

19 A Twelve years, yeah.

20 Q Twelve years. Tell me, it's two or three miles, right?

21 A It's more than two or three miles, it's about four to five
22 and, you know, if we are saying about, you know, it depends
23 on what 12 Mile is like at that time. Honestly, it could
24 take, you know, 10, 15 minutes or if 12 Mile is backed up,
25 which it often is, it could take 30, 40 minutes to do that.

1 Q We'll move on. So prior to going into the house had you
2 considered Muhammad a suspect then?

3 A I think at this point, you know, we were considering
4 everyone who was there could possibly be a suspect.

5 Q Everyone that was in the house? Sidra was a suspect?

6 A Well, I guess not Sidra, Sidra has some disabilities. We
7 just -- we didn't know what they were going to say when we
8 talked to them, so yes, it is possible that Muhammad was a
9 suspect.

10 Q So prior to going in there did you discuss with Wehby and
11 Hammond that he was a suspect?

12 A Yeah.

13 Q Okay, and you never told him that when you came into the
14 house, correct?

15 A No.

16 Q You ever told him that you believed this wasn't an accident
17 at any point, did you? During the course of your 40 minutes
18 talking with Muhammad did you ever tell him we do not
19 believe this was an accident, we believe this was
20 intentional, did you tell him that at any time?

21 A No.

22 Q Matter of fact, the entire time you talked to him you kept
23 on suggesting to him that this was an accident, just tell us
24 it was an accident, isn't that a fair statement?

25 A That I said that?

1 Q Well --

2 A That we as a collective --

3 Q Let's go with -- since you're testifying or the group it

4 appears here --

5 A Yes.

6 Q -- was that --

7 A Yes, that was a suggestion, yeah.

8 Q Was that your strategy going into talking with him to say --

9 convince him it was an accident? Was that something

10 discussed prior to going in?

11 A No.

12 Q Who suggested that first, Wehby?

13 A Yes.

14 Q Did I get that right?

15 A You did get that right. Yeah, while we were in there.

16 Q All right, so it was him that suggested it was an accident

17 and he said that about 20 or 25 times in the course of about

18 40 minutes, is that a fair statement?

19 A I don't know how many times he set up, but he did say it

20 multiple times, yes.

21 Q During the course of -- and again, I think we talked about

22 it the last time, but there was never any time that you read

23 him any Miranda warnings or told him he was free to go, did

24 you?

25 A No. We --

1 Q That's a yes or no, you never did that, right?

2 A No.

3 Q Okay. Was he ever told that he could not answer any

4 questions, stop answering any questions?

5 A No.

6 Q I listened to the tape, you never ascertained his level of

7 education at all, due to?

8 A Did we ask him or --

9 Q Yes, did you ask him how far --(undecipherable)-- in school,

10 anything like that?

11 A No, Sir.

12 Q No. Did you ever him, you know, how he was feeling, if he

13 was sick or if he had ate anything that day?

14 A No, Sir.

15 Q You knew his mother had passed away the day before, correct?

16 A Yes.

17 Q And he had appeared appropriately distressed when you are

18 talking to him?

19 A (No audible response).

20 Q He seemed upset, didn't he?

21 A When?

22 Q When you are talking to him.

23 A Which day? That time?

24 Q During the 40 minutes you are talking to him.

25 A At some points he did.

1 Q He was crying?

2 A Yeah, towards the end, yes.

3 Q During the tape recording approximately 40 minutes into it

4 you -- you are one of the officers make a comment that, "We

5 know somebody else was in the room." Do you remember saying

6 that to him?

7 A Yes.

8 Q Okay, and that sorta changed your tone with him at that

9 point because you were suggesting it was an accident and

10 then finally you had told him at some point you have a

11 video, that you were going to send it to the Michigan State

12 Police to be examined and that you knew somebody else was in

13 the room, do you remember saying that to him?

14 A Yes.

15 Q Fair to say that you were changing your tone to accusatory

16 at that point?

17 A I wouldn't say accusatory. He could have very well told us

18 that it was an accident, like he did. The tone, I guess the

19 tone -- if you're talking about an overall tone of the, you

20 know, questioning, yes, it -- we did mention that there was

21 somebody else in there, but the tone of voice, if that's

22 what you're saying, that never changed, no, I never, you

23 know, got loud with him or, you know?

24 Q At one point you are the other officers that are present

25 make a comment to the effect that you have the video and

1 asked him if he wanted to say anything about it, he said,

2 "No," twice, right? Do you recall that?

3 A I don't recall exactly, but it's a possibility --

4 possibility, yes. I guess without listening to it exactly.

5 Q But you listened to it in the past month or so I take it,

6 right?

7 A Yes. Yes, I have.

8 Q And at some point when you suggest to him that you have a

9 video and asked him if he wanted to say anything about it,

10 he said no twice, right?

11 A Again, I don't know exactly how many times he said no or if

12 he said no, I don't want to talk about it. He gave -- after

13 we told him that and said, "Do you want to talk about this,"

14 or, "We know there's something different," and we gave him

15 the opportunity to tell us his story again.

16 Q Do you remember making promises of leniency towards him at

17 that point?

18 A No.

19 Q Well, when you told him this comment, "Let's get in front of

20 this" -- I apologize, I'm lumping you with whoever was

21 talking, but --

22 A Sure.

23 Q -- just tell me if you recall this, "Let's get in front of

24 this" --

25 MR. SKRZYNSKI: What page are we on?

1 MR. SCHIANO: I'm sorry, I have it on page
2 21, but it's my notes and it's --

3 MR. SKRZYNSKI: Well, there's an exhibit in
4 evidence.

5 THE COURT: Yeah, what page are you on?

6 MR. SCHIANO: Do you have the page, Marc?

7 I apologize, Judge, if I can just have a
8 moment, I'll find it. That's different from here.
9 Obviously, we have two different --(inaudible).

10 (Inaudible). I'm sorry, Judge, we just have
11 two different exhibits -- well, two different...Okay, I have
12 it as page 21 it looks like --(inaudible). On the top of
13 22.

14 MR. SKRZYNSKI: Yeah, okay.

15 MR. SCHIANO: On the top of 22, Judge.

16 MR. SKRZYNSKI: I'm sorry, 22.

17 BY MR. SCHIANO:

18 Q There was a comment made by D2, and I'm not sure who -- if
19 that's you or one of the other officers, but it says --
20 (undecipherable), "So let's get out in front of this and
21 let's say what it is so we can try and help you out here."
22 That was a comment made by one of you folks that you wanted
23 to help them out, right?

24 A That was made by Sergeant Wehby.

25 Q Okay, but that was something that was made in your presence

1 and the words were, "Let's help you out," correct?

2 A Yes, that's what was said.

3 Q Okay. And that something where you're talking to a 16 year

4 old indicating to him that you want to -- you want to help

5 him out somehow, correct?

6 A Again, that was something that Detective Wehby said, I don't

7 --

8 Q So you --

9 A Or Sergeant Wehby.

10 Q -- you weren't condoning what he was saying?

11 A I don't know if I'm not condoning it, I just -- I don't know

12 exactly what Detective Wehby was --

13 Q When someone says you want to help somebody out, what does

14 that mean in plain language to you?

15 A In plain language, that you would like to help them.

16 Q And further on there's a comment made, "I don't want to see

17 you get in trouble for not being truthful with us, that's

18 why I want you to tell us what happened now."

19 A Right.

20 Q So again, you're telling him you're trying to help him out

21 and we don't want to see you get in trouble, correct?

22 That's comments that were made by the sergeant or yourself,

23 correct?

24 A The sergeant, yes.

25 Q "You won't get in trouble if you consider talking to us and

1 tell us what happened." Do you recall that being said?
2 Telling someone he's not going to get in trouble for talking
3 to you.

4 A I believe so, yes.

5 Q So you're making him an affirmative promise to not in
6 trouble if he talks to you.

7 MR. SKRZYNSKI: Well, objection. That's a
8 legal interpretation and that's up to the court to make.

9 MR. SCHIANO: It is, Judge.

10 MR. SKRZYNSKI: It's not for this witness to
11 say.

12 MR. SCHIANO: That's fine, Judge, but that's
13 -- that's what --

14 MR. SKRZYNSKI: He's not competent to say --

15 MR. SCHIANO: -- was said.

16 MR. SKRZYNSKI: -- that.

17 BY MR. SCHIANO:

18 Q Was that said or not --

19 MR. SCHIANO: I'm sorry, you can --
20 sustained. I'll move on.

21 THE COURT: Yes, it is sustained and you can
22 move on please.

23 MR. SCHIANO: Okay.

24 BY MR. SCHIANO:

25 Q That's what was said though, fair to say?

1 A Can I answer that? Isn't that the same question?

2 Q Well, you didn't say yes or --

3 THE COURT: He's asking you if that was said.

4 THE WITNESS: Yes, that was said.

5 THE COURT: You can answer that.

6 THE WITNESS: Yeah. Sorry.

7 THE COURT: Okay, that's fine.

8 THE WITNESS: I was a little confused there.

9 BY MR. SCHIANO:

10 Q Could you -- do you recall, Detective, who was in charge of
11 watching the other daughter in the house while you three
12 were in there?

13 A No, I don't.

14 Q Was there another officer present watching her?

15 A In the house?

16 Q Correct.

17 A No, I don't think so, no.

18 Q She was allowed to roam through the house to the best of
19 your knowledge?

20 A Yes.

21 Q Did you see her walk through it all?

22 A I saw her when we first got there but I didn't see her
23 again.

24 Q Do you recall the number of times that yourself or the
25 sergeant indicated to Muhammad that he wasn't telling the

1 truth to you folks?

2 A The exact number of times?

3 Q Right.

4 A No.

5 Q Did you recall the number of times that you suggested to him
6 it was an accident? I think we talked about this before.

7 A I don't.

8 Q You indicated before that it wasn't -- were you doing any
9 questioning at all? You said Wehby was doing all the
10 questioning, correct?

11 A Wehby was doing most of the questioning, yes.

12 Q Did you interject at all during the course of the 40
13 minutes?

14 A Yes, very -- very few times, yes.

15 Q A few times.

16 A Mm-hmm.

17 Q At any time while you were talking with Muhammad did you
18 indicate to him that he did not have to answer any of your
19 questions?

20 A No, we didn't say that.

21 Q At any time while you were talking to him did you tell him
22 that you considered him a suspect?

23 A No.

24 Q Do you recall a comment being made by either Wehby or
25 yourself, on page 22 down towards the bottom of the page,

1 "Come on, Muhammad, you're almost there, just tell us what
2 happened and did she slip on the ladder or what was she
3 doing, you know, you don't remember all that stuff before?"
4 Remember that being said?

5 A I do recall that, yes.

6 Q Who said that?

7 A I believe that was Sergeant Wehby.

8 Q And you go on to say -- or he says, "Well, I'm sure it
9 wasn't because of you, I mean, accidents happen, accidents
10 happen all the time, that's what we want to do. I don't
11 want to see you get in trouble from us by proving that you
12 are not being truthful with us, so that's why I want you to
13 tell us what happened now." Is that you or that was Wehby?

14 A Wehby.

15 Q Again, a plea for him to be truthful to you at that point?

16 MR. SKRZYNSKI: Well, objection. Judge, this
17 transcript is in evidence. The tape of the disk of the
18 actual interview is in evidence. The actual words that were
19 said, the context in which they were said are in evidence.
20 And his inter -- his asking him for his interpretation and
21 taking isolated lines here and there, I mean, that's almost
22 meaningless in light of the fact that the entire thing is in
23 evidence, and it's up to the court to take the saying in its
24 entirety. The whole test of custody is an objective test in
25 which the court takes into consideration all the

1 circumstances, including everything that was said, so I
2 object to asking him constantly for these isolated
3 interpretations of what's being said.

4 MR. SCHIANO: Judge, he called the detective
5 as his witness here. I assume that he is even gonna call
6 the sergeant or not, but I will call the sergeant. I mean
7 --

8 MR. SKRZYNSKI: Judge --

9 MR. SCHIANO: -- he's calling him for the
10 purpose of --

11 MR. SKRZYNSKI: Detective Wehby is here.

12 MR. SCHIANO: Yeah, he is, so he's calling
13 him for the purpose of being present at this hearing, for
14 what purpose, he was there listening the whole time and not
15 taking part in it, not being part of this interrogation? I
16 mean, why even call him? Why are we wasting time here --

17 MR. SKRZYNSKI: Can I make --

18 MR. SCHIANO: -- if he has no -- absolutely
19 no purpose of being -- of having any idea of what happened?

20 THE COURT: Well, but your questions aren't
21 about what happened, your questions are about his
22 interpretation of what somebody else said to the defendant,
23 so I think that's a question but are asked of the person who
24 actually made the statement.

25 MR. SCHIANO: That's fine, Judge. We'll go

1 there.

2 THE COURT: So, you can certainly ask him was
3 the statement made in your presence and he can say yes, it
4 was, or no, it wasn't based upon his recollection of being
5 present, but he can't --

6 MR. SCHIANO: And I did that.

7 THE COURT: -- give an interpretation of what
8 someone else meant by that statement.

9 MR. SCHIANO: That's fine, Judge, I
10 appreciate that.

11 THE COURT: Thank you.

12 BY MR. SCHIANO:

13 Q Are you the one that made the comment then in regards to the
14 video there, Detective, "And although they're gonna --
15 they're gonna fix it up and make it picture perfect and
16 clear for us, the video shows something different. It does,
17 you know it does, right?" Did you say that?

18 THE COURT: Well, what --

19 MR. SCHIANO: I'm sorry, page 25 down towards
20 the bottom, Judge.

21 MR. SKRZYNSKI: Maybe if we could be seeing
22 the actual transcript it would be easy for him to answer
23 that?

24 THE WITNESS: Honestly, I'm not sure who said
25 that, if it was Detective Wehby or I.

1 BY MR. SCHIANO:

2 Q Well, there's only D1, D2 and D3, do you know who you are?

3 A I think I -- I believe I'm D1.

4 Q Okay, so according to this transcript, page 25, D1 is you.

5 A Yes.

6 Q And is it fair to say that you said to the -- Muhammad --

7 A Yes. Yes.

8 Q So you said that?

9 A Yes.

10 Q Okay. "You agree with what I say, you know what it shows

11 and you know what you just told us is pretty close," you

12 said that to him, correct?

13 THE COURT: (Inaudible).

14 THE WITNESS: I believe so, yes, Sir.

15 THE COURT: Would it help you if you actually

16 had the transcript in front of you to check it?

17 THE WITNESS: If we're going to go line by

18 line then it probably would --(multiple speakers)--

19 MR. KEAST: May I approach --

20 THE WITNESS: -- your Honor.

21 MR. KEAST: -- with Exhibit 13?

22 MR. SCHIANO: Sure, Sure. And if you want to

23 turn to page 26?

24 THE WITNESS: Thank you.

25 THE COURT: And, Detective, you have to keep

1 your voice up, you keep fading in and out. We're trying to
2 make a record here please. Thank you.

3 THE WITNESS: Yes, Ma'am.

4 BY MR. SCHIANO:

5 Q At some point, and this is towards the end of the interview
6 with him, it's you who says on page 26, top of the page,
7 "It's pretty close to what happened, okay, but that's not
8 the whole truth and you know it." That was a comment made
9 by you to the defendant, correct?

10 A Yes.

11 Q And you were telling him he wasn't being truthful with you,
12 he was lying to you, correct?

13 A Yes.

14 Q "And this is -- this is the time to tell us the whole thing,
15 okay?" That's what you said?

16 A Yes.

17 Q This is -- this is, I'm just quoting, I don't mean to be
18 repetitive here, "This is your chance to tell us -- to tell
19 us the whole thing, even -- even when you're telling us, you
20 know, we know more than -- we -- we know that you were in
21 there with her, okay?" You tell him that, correct?

22 A Yes.

23 Q You tell him that you know that he was in the room when she
24 fell out, correct?

25 A Right.

1 Q "And we need you to really -- could you just step out for a
2 second, um, we -- we -- we know -- we know there's more to
3 it, and like I said, there is a video, it's gonna get
4 cleared up, we can already see that there's more in there,
5 you know, we all know it. Now it's your time, okay, now is
6 your time to come clean because --." You say that to him,
7 correct?

8 A Yes.

9 Q And you say that to him towards the end of the interview,
10 right?

11 A Yes.

12 Q And you're telling him that he's not being truthful?

13 A Right.

14 Q And you want him to come clean to you, correct?

15 A Yes.

16 Q He's a suspect at this point --

17 THE COURT: Speak up please.

18 BY MR. SCHIANO:

19 Q He's clearly a suspect at this point, you tell him to come
20 clean on the homicide, correct?

21 A We're not telling him to come clean and say, you know, I did
22 it, come clean with the truth, whatever that truth is.

23 MR. SCHIANO: Judge, if I can have a moment?

24 THE COURT: Yes.

25 MR. SCHIANO: Thank you, Judge, that's all I

1 have. That's all I have.

2 THE COURT: Thank you.

3 REDIRECT EXAMINATION

4 BY MR. SKRZYNSKI:

5 Q Detective, on page 26 there when you're saying, "It's pretty
6 close to what happened but that's not the whole truth and
7 you know it, and this -- this is the time to tell us the
8 whole thing," by that time in the course of the interview
9 did the defendant already tell you that he was in the room,
10 in fact, and that he did see his mother fall out the window?
11 Had that already happened?

12 A Yes, Sir.

13 Q Okay, and you're telling him, "Well, that -- you got -- you
14 know, you're telling us most everything but you're not
15 telling us the whole thing."

16 A Right.

17 Q So he'd already told you. And then right after that did he
18 stop answering your questions? Did he say "I don't want to
19 -- I don't want to think about it, I don't want to think
20 about what specifically happened anymore about it"? Did he
21 say that right after that?

22 A Yes, he did.

23 Q He asserted his right to stop answering questions? Is that
24 right?

25 A Yeah, I guess so.

1 Q The only thing he talked about was what he had already
2 spoken to you about?

3 A Right.

4 Q And you asked him -- you said there was more, right?

5 A Yes.

6 Q But he didn't tell you anymore, did he?

7 A No, he did not.

8 Q Okay. And shortly after that the interview ended?

9 A Yes, it did, Sir.

10 Q Okay. Was there any indication to you that the defendant
11 was sick while this was going on?

12 A No, Sir.

13 Q Was there any indication to you that he was under the
14 influence of any kind of medication or alcohol or anything
15 like that?

16 A No, Sir.

17 Q Did he appear not to understand the words you were saying?

18 A No, he did not.

19 Q Did he ask you to repeat what you were saying?

20 A Not that I can recall.

21 Q Did he ask you to explain the meaning of what you were
22 saying?

23 A No, Sir.

24 Q Did you know anything about his educational background when
25 you started?

1 A Yes.

2 Q What did you know?

3 A He went to the International Academy.

4 Q Okay, you knew that before the interview even started?

5 A Yes.

6 Q Okay. Did he appear to you to be of at least average

7 intelligence?

8 A Yes, Sir.

9 Q Okay. Did he ask to leave the room at any time?

10 A No, Sir.

11 Q Did you tell him he could not leave the room?

12 A No, Sir.

13 Q Did you tell him that he must answer your questions?

14 A No, I did not, Sir.

15 Q You said someone followed Bassel Al-Tantawi after he left

16 the house?

17 A I didn't say that, the counselor said that.

18 Q Oh, so you don't even know if that happened or not?

19 A I --

20 Q So we don't even know that that did happen, do we?

21 A No, Sir, I don't.

22 Q Okay. Someone would have to produce some proof that that

23 happened, right?

24 A I would assume so, yes, Sir.

25 Q Sure. Now, you -- Mr. Schiano asked you if the -- if Mr.

1 Al-Tantawi, Bassel Al-Tantawi, ever told you not to talk to
2 his son until he returned, he asked you that question?

3 A Did Mr. Schiano ask me that question?

4 Q Yes.

5 A Yes.

6 Q And your answer was what?

7 A No, he didn't say that.

8 Q He never told you to refrain from asking questions until he
9 returned?

10 A No, he did not.

11 Q Okay. Did you ask him if you could talk to his son when he
12 was gone?

13 A Like the collective you or me specifically?

14 Q You specifically.

15 A Yeah, we told him we were there to --

16 MR. SCHIANO: Objection, Judge --

17 THE WITNESS: -- speak to your son.

18 MR. SCHIANO: -- I'm sorry, objection. Did
19 he ask specifically or did the sergeant? I had this issue
20 and I lost, I don't think he should --

21 THE COURT: All right.

22 MR. SCHIANO: --(undecipherable)-- issue
23 either.

24 THE COURT: Yeah, just -- did you -- the
25 question was, did you ask?

1 BY MR. SKRZYNSKI:

2 Q Do you remember?

3 THE COURT: Do you remember if you asked

4 Basil --

5 THE WITNESS: Bassel?

6 THE COURT: -- Bassel Al-Tantawi if you could

7 speak with Muhammad while he was gone? That's you

8 personally, did you do that or not?

9 THE WITNESS: Honestly, I don't recall right
10 now. I'm sure it's on one of the recordings or in the
11 reports, but I don't specifically remember right now.

12 THE COURT: Fine.

13 THE WITNESS: Thank you.

14 BY MR. SKRZYNSKI:

15 Q Okay. Can I point out to you the transcript of that exhibit

16 --

17 A Yes.

18 Q -- at page 3? Can you just read at the very top of the page
19 to yourself, Detective -- or D2 is Detective Wehby, is that
20 right? Sergeant Wehby?

21 A Yes, Sir.

22 Q Okay, and you are D1, correct?

23 A Yes.

24 Q Okay. And if you look at the first person that speaks is

25 D2, the second person on the page that speaks is you, right?

1 A Yes, Sir.

2 Q And do you see what you said there?

3 A Yes, I do.

4 MR. HART: I'm sorry, what page are we on
5 please?

6 MR. SKRZYNSKI: Page 3.

7 BY MR. SKRZYNSKI:

8 Q "We're gonna stay here and talk to them, that's all right,
9 right?" And then it's kind of inaudible and then Wehby
10 says, "We're just trying to nail down the times and anything
11 that might not think -- that they might think is something
12 she might have said, or something like that, or wasn't
13 feeling well or stuff like that," and F is Doctor Al-
14 Tantawi, he says, "Okay."

15 A I do recall that now, thank you.

16 Q Okay. So you're the one that did say it's okay for us to
17 talk to them?

18 A Yes.

19 Q And the next few lines talked about Sidra?

20 A Yes.

21 Q And someone said -- it might have been Detective Hammond,
22 "Yeah, the 12 year old's back there, she's watching the" --
23 (inaudible-coughing). There were no other police officers
24 in the house beside the three of you, were there?

25 A No, there was not.

1 Q There was nobody supervising Sidra confining her to any
2 place, was there?

3 A No, there was not, Sir.

4 Q And you didn't order her to sit any place?

5 A No, Sir.

6 Q Did you order the defendant to sit at any place?

7 A No, Sir.

8 Q Okay. As a matter of fact, the position where he was
9 sitting at the table, was that his normal place to sit at
10 dinner?

11 A I believe it was, Sir, yes.

12 Q Okay. And this was taking place in their diningroom, is
13 that correct, over -- just to the right of the garage there?

14 A Yes, Sir.

15 Q That's this area right here? I'm pointing to this exhibit
16 --(inaudible)? I can't read it.

17 A That was the entryway, Sir.

18 Q But --

19 UNIDENTIFIED SPEAKER: Twelve.

20 BY MR. SKRZYNSKI:

21 Q Oh, this right here. All right, you're right, this down
22 here?

23 A Yes.

24 Q And that's the diningroom area, that's where the interview
25 was taking place?

1 A Yes, Sir.

2 Q Okay. Now, during the course of this -- of this interview
3 with the defendant, besides yourself, Detective Wehby and
4 Detective Hammond did any other police officers come into
5 the building, into the house?

6 MR. SCHIANO: I'm gonna object, he already
7 testified he was -- couldn't see anything so how would he
8 know?

9 MR. SKRZYNSKI: I'm asking if anybody came
10 into the house. He was inside the house, he could testify
11 to what he saw or didn't see.

12 THE COURT: If he saw anything he can testify
13 to what he saw. Go ahead.

14 MR. SKRZYNSKI: Right.

15 BY MR. SKRZYNSKI:

16 Q Did any other officers come in the house?

17 A During the interview time?

18 Q Yeah.

19 A No.

20 Q So it was just the three of you?

21 A Yes, Sir.

22 Q Okay. You didn't know what was going on outside the house,
23 correct?

24 A Did not.

25 Q Okay. Now, you originally talked about going to the house

1 and I think you said on direct that you and Detective
2 Hammond went together in an unmarked car, is that right?

3 A Yes, Sir.

4 Q And --

5 THE COURT: Speak up please.

6 BY MR. SKRZYNSKI:

7 Q -- Sergeant Wehby went to the house in an unmarked car?

8 A Yes, Sir.

9 Q And the three of you were all in plain clothes?

10 A Yes.

11 Q And you had side arms but those were concealed underneath
12 Polo shirts that you were wearing?

13 A Yes, Sir.

14 Q Okay. Now, when you were talking to Mr. Schiano there was
15 some testimony about other officers, I believe it was Smith,
16 McDonald and O'Neil were on their way, did you know that?

17 A There was some discussion about who would be coming out
18 there, if there -- need additional people, yes.

19 Q For what?

20 A Possible interviews.

21 Q Okay. Was there anything else that was supposed to happen
22 that afternoon regarding the house?

23 A Not that I'm aware of.

24 Q Was there a search warrant --

25 MR. SCHIANO: Objection to leading, Judge.

1 BY MR. SKRZYNSKI:

2 Q Was there -- eventually did other officers come to the

3 house?

4 A Yes.

5 Q Why?

6 A There was a search warrant that was prepared.

7 Q Okay. Who prepared that?

8 A Detective Gerrick.

9 Q All right, Detective Gerrick?

10 A Yes.

11 Q All right, and he came with the search warrant?

12 A Yes, Sir.

13 Q How much -- was that during the interview?

14 A It was after the interview.

15 Q How much after the interview was that?

16 A I'm not exactly sure when Detective Gerrick showed up. It

17 was pretty well after the interview. I was already back at

18 the station when he got there.

19 Q You had already left the house?

20 A I had left, yes.

21 Q And had the defendant already left the house?

22 A Yes.

23 Q So this -- the execution of the search warrant took place

24 well after the interview was over?

25 A Yes.

1 Q And none of those officers ever came into the house while
2 the interview was going on?

3 A No, Sir.

4 Q Okay. Okay, thank you.

5 MR. SCHIANO: Just briefly, your Honor.

6 RECROSS-EXAMINATION

7 BY MR. SCHIANO:

8 Q Detective, you indicate on page 3 where you allegedly asked
9 the father about, we're gonna stay here and talk with him if
10 that's all right, right? And his answer was inaudible,
11 correct?

12 A Well, it's inaudible here.

13 Q And what did you say he said?

14 A He said it was fine. Not exactly sure how, but --

15 Q He said the words, "It is fine"?

16 A No, but he didn't have a problem with us talking --(multiple
17 speakers)--

18 Q What did he say? Do you recall?

19 A I don't recall.

20 Q Since it was inaudible?

21 A I don't recall exactly what was said, Sir.

22 Q And when there was a question on the next --(inaudible)-- by
23 Wehby where he says --(coughing)-- trying to nail down times
24 and anything like that, might not think it's big, something
25 she might have said or something like that, or wasn't

1 feeling well or stuff like that, his answer to that was,
2 "Okay." Is that right?
3 A Yes.
4 Q Not that it was okay to talk to the -- you don't know what
5 that "okay" was in reference to because you have no clue,
6 you weren't talking to him, correct?
7 A I was standing right there though.
8 Q But you weren't -- you weren't talking with him, it was
9 Wehby who was talking to him, correct?
10 A (No audible response).
11 Q So you can't tell us what that answer was in reference to?
12 A It was. We were standing there, he agreed to let us talk to
13 his son.
14 Q That's what it says? It says that you can talk to my son?
15 A No --
16 Q That's not what it says --(multiple speakers)--
17 A -- it doesn't say exactly --
18 Q -- that's not what was said to him, right?
19 A No.
20 Q You didn't specifically say can we talk to our son, you said
21 we just want to nail down some times, right?
22 A I didn't say that, no.
23 Q Okay. We're going to be playing a game on who said what,
24 but now you know what "okay" meant even though it wasn't
25 directed at you? Is that right?

- 1 A You were asking whether or not a singular question is okay.
2 It was hey, we're gonna talk to him," he's asking -- he
3 says, "okay," and we were talking -- or I don't even
4 remember exactly what he says, but he says -- we indicated
5 we'd like to talk to his son, and --
- 6 Q You keep on saying "we," and again, I don't mean to be --
- 7 A Detective Wehby and I were standing there.
- 8 Q But the question in response to you was inaudible but you
9 can't tell us what he said back to you verbatim I take it,
10 correct?
- 11 A No. No, I can't.
- 12 Q Because you don't recall it, right?
- 13 A That's right.
- 14 Q And it doesn't appear audible on the tape, correct?
- 15 A Correct.
- 16 Q At some point, seconds after that, Wehby says, "We're just
17 trying to nail down times and anything that might not --
18 they might not think is big, something she might have said
19 or something like that, or wasn't feeling well or stuff like
20 that." And the answer was, "Okay," to that, correct?
- 21 A Yes, that was the answer.
- 22 Q It doesn't say that we're going to talk to your son, it just
23 says we want to nail down times, correct?
- 24 A Yes, it does.
- 25 Q It says you're going to talk to your son in that statement?

1 A No, it doesn't.

2 Q Okay.

3 MR. SCHIANO: Nothing further, Judge.

4 REDIRECT EXAMINATION

5 BY MR. SKRZYNSKI:

6 Q Mr. Al-Tantawi, Bassel Al-Tantawi left the house right after
7 that, is that correct?

8 A Yes.

9 Q And he left his son with the three of you, correct?

10 A Correct, Sir.

11 Q And you'd already indicated to him that you wanted to talk
12 to his son while he was gone, correct?

13 A Yes, Sir.

14 Q And he did not object to that, correct?

15 A No, he did not.

16 Q Okay.

17 MR. SKRZYNSKI: Judge, if I may just -- I
18 have Exhibit number 16, it's a search warrant for the house.

19 MR. SCHIANO: I'm not sure what the relevance
20 of that is to this, Judge, quite frankly.

21 MR. SKRZYNSKI: Well, there is a time on it
22 when the magistrate signed it and it would give the court
23 some indication of when the interview -- how aft -- how soon
24 after the interview the search warrant was executed is the
25 relevance.

1 THE COURT: I don't have a problem with that
2 for a time -- for a timeline, but that's about it.

3 Do you have a problem with that, Mr. Schiano?

4 MR. SCHIANO: Not for the timeline, that's
5 fine, Judge.

6 MR. SKRZYNSKI: All right, move to admit.

7 (At 9:41:33 a.m., People's Exhibit 16 is
8 offered)

9 THE COURT: That's fine.

10 MR. SCHIANO: Do you want to make a record?

11 MR. SKRZYNSKI: Yeah --

12 THE COURT: I'm sorry?

13 MR. SKRZYNSKI: If I may, this is a search
14 warrant -- affidavit and search warrant for the search of
15 the house on the 22nd of August and it was signed by the
16 magistrate and the time indicated by the magistrate was 6:47
17 p.m. That's when the search warrant was authorized by the
18 magistrate. And the testimony's been that it came and it
19 was executed after that. Okay, thank you.

20 RECROSS-EXAMINATION

21 BY MR. SCHIANO:

22 Q Just so we're clear there, Detective, the interview portion
23 with Muhammad was about 40 minutes and that would have been
24 over around 4:00 o'clock then, correct?

25 A That sounds about correct, yes, Sir.

1 Q So almost three hours later is when the magistrate signed
2 this warrant, correct? Two hours and 47 minutes, right?

3 A Sure.

4 Q Okay, thank you.

5 MR. SKRZYNSKI: Nothing further.

6 THE COURT: Thank you, you may step down,
7 Detective.

8 THE WITNESS: Thank you, your Honor.

9 (At 9:42:32 a.m., witness excused)

10 MR. SKRZYNSKI: Thank you. At this time --
11 here, I'll take that. At this time we call Detective Wehby
12 to the stand. Sergeant Wehby.

13 THE COURT: You've already testified.

14 MR. WEHBY: Yes, Ma'am.

15 THE COURT: You're still under oath.

16 MR. WEHBY: Okay.

17 THE COURT: Just remember that. Thank you.

18 RICHARD WEHBY

19 (At 9:43:07 a.m., recalled as a witness, previously sworn,
20 testified as follows):

21 DIRECT EXAMINATION

22 BY MR. SKRZYNSKI:

23 Q Would you state your name for the record so we know who you
24 are?

25 A Richard Wehby.

1 MR. SKRZYNSKI: Your Honor, I would ask that
2 all the previous testimony of these witnesses from the prior
3 hearing regarding the seizure of the disk also be
4 incorporated into this hearing by -- as well. Just so we
5 don't have to recreate his credentials and everything.

6 MR. SCHIANO: I have no problem with that,
7 it's fine.

8 THE COURT: That's fine.

9 MR. SKRZYNSKI: Thank you. Your Honor.

10 BY MR. SKRZYNSKI:

11 Q Okay, Detective, I want to point out to you August the 22nd
12 of 2017, do you remember that?

13 A Yes, Sir.

14 Q Okay, that was the day after you had first visited the home
15 on Howard Street, correct?

16 A Correct.

17 Q All right, and I want to point out this was like probably
18 late in the morning, early afternoon. Were you there when
19 the DVR, the recorder for the security system was brought to
20 the police station?

21 A I was at the police station, I was not at the residence when
22 they got consent to take the DVR.

23 Q But you were at the police station --

24 A Correct.

25 Q -- when it was brought back?

1 A Yes, Sir.

2 Q Okay. At that time what happened?

3 A At that time we -- Detective Molloy and Detective Hammond

4 put the monitor up and we attempted to watch the video that

5 it had captured on the security system.

6 Q Okay. And what did you see?

7 A We were able to isolate the camera that we had observed

8 while at the residence outside the window that the victim

9 was thrown out of and we were able to watch the video. We

10 went back to -- I'm not sure exactly what time, I think we

11 went back to midnight and we watched the video of that

12 camera up until the moment she came out of the window.

13 Q Okay, and besides seeing the body of Ms. Huranieh falling

14 from the window did you see other things in the video as

15 well?

16 A Yes, Sir.

17 Q What did you see?

18 A At first we were concentrating on -- because you couldn't

19 actually see the body coming out the window, or actually

20 watching the -- it picks it up about five feet below the

21 window and the body comes into the picture frame then hits

22 the patio, as -- we kinda replayed that a couple times and

23 we were watching that and at that point in time we noticed

24 out in the yard there's -- it's -- you can see shadows of

25 what was transpiring in the bedroom. There -- the light was

1 on in the bedroom from the window she came out of, and after
2 she's laying on the patio floor you see a shadow of movement
3 of a person.

4 So we started concentrating on just that
5 aspect of the video and not paying attention to the body
6 coming out the window, and you can see two people in the
7 window, one, there's some type of physically movement of the
8 other person, the other person does not look like they are
9 moving, and you can see where somebody -- it looks like a
10 person -- an object is dropped and then lifted back up and
11 you can see something is hoisted over the windowsill and you
12 can fair faintly see -- it looks like maybe a coup -- two
13 arms swinging and then the motion of the person that is
14 standing up, bending over and then coming out the window.
15 The next thing the body -- the victim comes out the window,
16 lands on the patio.

17 You see in the shadows -- again, these are
18 just shadows, you see the figure in the window put his hands
19 on the window, look out the window, and then you see a light
20 go off in that bedroom.

21 And other lights come on inside the
22 residence, they were in the master bedroom, in the basement
23 the light comes back on, they go out quickly, then the light
24 comes back up on in the makeup room where she went out the
25 window and there's some more movement in front of the

1 window. It looks like the window screen is moved and maybe
2 some other object is pulled towards the window and then
3 that's it.

4 Q Okay. After you saw that do you remember who was there when
5 you were looking at that?

6 A That was myself, Detective Molloy and Detective Hammond.

7 Q Okay, and when that happens what -- what happens next?

8 A Well, at that point in time it's obvious this is not an
9 accident, there was someone else in the room with her when
10 she went out the window. So now we need to find out who
11 that person was that was in that bedroom with her.

12 Q Okay, so what do you decide to do?

13 A At that point in time I had directed Detective Gerrick to
14 start authorizing a -- drafting a search warrant for the
15 record and --

16 Q Why did you think you had grounds for a search warrant then?

17 A Because obviously, this was not an accident, someone tossed
18 the victim out the window, this was a crime, this was a
19 homicide. So from there we had the sergeant work on a
20 search warrant while myself and Detective Hammond were going
21 to go back to the residence and re-interview -- or a more
22 in-depth interview the people that were inside the residence
23 at the time of this accident and see if we could find out
24 who was in the window, who was in the room with the victim.

25 Q Okay. What did you intend to be asking of the -- who did

1 you intend to question?

2 A I intended to -- three people that we knew that were there
3 would have been Muhammad, his sister, Aya, and at this point
4 in time I still wasn't a hundred percent sure as to the
5 communication levels of Sidra, as if she would talk or if
6 she would need somebody else to talk with her, a therapist
7 or something like that, but I wanted to interview all three
8 of the children to find out who was -- could possibly have
9 been in the house at the time of this incident.

10 Q Okay.

11 A And I'd also tasked one of the other detectives to start
12 watching the other camera views of the house and determine
13 if anyone came and left the residence.

14 Q So that was a suspicion as well?

15 A I'm sorry?

16 Q Was that a suspicion in your --

17 A Correct. Yes, Sir. We weren't sure if somebody had come
18 into the house and left the house so that's why we had -- I
19 assigned a detective, told him to go back -- I think it was
20 6 or 12 hours, and 6 or 12 hours after the incident after
21 the police left, to see if anyone else left any of the
22 residence, the exit or entryways of the residence that are
23 covered by the cameras.

24 Q Okay.

25 A And nothing was shown on there.

1 Q Okay. And as far as how you were going to interview the
2 three kids, what was your plan?

3 A I originally wanted to go to the residence to have the
4 father bring the children back to the station to interview
5 them at the station.

6 Q Why was that?

7 A Well, it's more of a -- it's more of a comfortable place for
8 the detectives to be sitting at doing an interview, and
9 also, we have the recording -- the rooms are video recorded
10 and audio recorded for documentation purposes. That's the
11 original intent for to get to the -- having them done at the
12 police station so they could be recorded.

13 Q Okay. What happens next?

14 A We -- I'm sorry, we went to the residence on Howard Street,
15 we spoke to the father, Bassel, and explained our intention,
16 that we'd like to go over with the children --

17 Q Wait, before we get there, when you went there how did you
18 go?

19 A Myself -- I drove myself and Detective Gerrick -- I mean,
20 sorry, Detective Hammond, Detective Molloy rode together and
21 I'd also requested that a uniformed patrol officer make the
22 scene over at the house because the story had already hit
23 the news and I didn't want -- also, we have the case, press
24 started showing up, reporters started showing up telling
25 them I didn't want anybody coming onto the property. Also,

1 just to wear plain clothes. Also just to have uniform
2 presence, you know, because we're anticipating a search
3 warrant and wanted to get the house -- a uniformed officer
4 there so people understand that's a police situation that's
5 going on, not just a bunch of guys with guns walking around.

6 Q Okay. So, was somebody tasked with doing that?

7 A (Multiple speakers)-- security officer Bretz, I believe.

8 Yes, it was Officer Bretz.

9 Q Okay. Did he accompany you to the house?

10 A No, Sir, he met us at the house.

11 Q Oh, he was there already when you got there?

12 A No. We got there and he arrived. We arrived about the same
13 time, we arrived at the same time I believe.

14 Q And where did he go?

15 A He was tasked to park at the end of the driveway.

16 Q At the end of the driveway?

17 A Correct. That's like a 400 long foot driveway I believe.

18 MR. SKRZYNSKI: If I may just have one
19 moment, your Honor? (Inaudible).

20 MR. KEAST: May I, Judge?

21 THE COURT: Yes.

22 MR. SKRZYNSKI: Okay, is that 17?

23 MR. KEAST: This is 17.

24 MR. SKRZYNSKI: Okay.

25 BY MR. SKRZYNSKI:

1 Q All right, this is proposed Exhibit number 17, you recognize
2 that?

3 A Yes, Sir, that's the residence to which the incident took
4 place.

5 Q Okay. Okay, Officer, I'm going to give you a la -- or Mr.
6 Keast is going to give you a laser pointer. Yeah, that, and
7 can you show us where the house is?

8 A Here's the residence right here.

9 Q Okay, that seems like it's on the middle left portion of
10 that drawing?

11 A Correct.

12 Q Okay. And the driveway?

13 A Here's the driveway. This is a landing pad, there's an
14 entrance to the garage doors here, there's three garage
15 doors, and this is the driveway, it comes down and crosses
16 the creek, it comes down to here, this is Howard Road right
17 here.

18 Q Okay. And that's a long white line that seems to cut across
19 the -- about the mid point of the picture, right?

20 A Correct. The cement driveway, the longest white cement
21 driveway on there.

22 Q Okay, and about how long of a driveway is that?

23 A I had said earlier I thought it was around 400 feet. That
24 looks -- that's measured out, it looks like from the roadway
25 to the apron of the parking up there it's 353 feet.

1 Q Okay.

2 A So a football field, a little over a football field.

3 Q Okay. So it's quite a lot.

4 A And plus, this is all -- this looks like this picture was
5 taken in the Winter time, this is all -- you can't see the
6 residence from the roadway during the Summer time. This is
7 in August. I mean, this is all greened up and trees and
8 this is a wetland area, this is all reeds and all this
9 foliage and stuff around here, all this is all greened up so
10 you can't see anything from over here --

11 Q So that's the area on the picture below the driveway and the
12 --(multiple speakers)--

13 A Correct, below to the right of the residence, just between
14 the house and the Howard Street, the roadway is a creek, a
15 wetland and you see how the creek winds through here towards
16 the golf course, this is all heavily wooded area that was
17 thick with foliage, and the reeds. And then you can see the
18 bushes right here come all the way up to the driveway,
19 there's a little bridge, and then they start again on the
20 other side of the driveway.

21 Q All right, so that area that you were pointing to, that's a
22 -- the creek goes --(multiple speakers)--

23 A That's a bridge over a waterway, yes, Sir. The bridge runs
24 through -- a creek runs underneath that bridge.

25 Q Okay.

- 1 A It continues down through --(multiple speakers)--
- 2 Q And where was Officer Bretz supposed to be stationed?
- 3 A Officer Bretz was down here at the end of the driveway.
- 4 Q Okay, he's --
- 5 A I don't know if he's exactly at the end of the driveway or
- 6 to the left or to the right, but he was at the end of the
- 7 driveway.
- 8 Q But that was his instruction?
- 9 A Correct.
- 10 Q And he's in a marked car?
- 11 A He's in a fully marked car with lights on top. I'm not sure
- 12 if it was an Explorer. I think it was an Explorer.
- 13 Q Okay. All right, you can have a seat. Now, you were
- 14 wearing a side arm?
- 15 A Correct.
- 16 Q How was that -- could -- was that visible?
- 17 A No, Sir. I normally would have -- we don't wear shirt and
- 18 ties unless we're going to court, I wear a golf shirt or
- 19 like a long sleeve three button up shirt that I would use to
- 20 cover my firearm.
- 21 Q Okay. Were all three of you dressed in that same manner?
- 22 A Correct.
- 23 Q Okay, you, Molloy and him?
- 24 A Correct.
- 25 Q All right. So your side arms were not showing?

1 A Correct.

2 Q Okay. So now can you show us on that -- on that photo on 17
3 where your cars were parked?

4 A My car was parked right up here. I'd almost pulled up --
5 there's a little barn over here, I don't know if it's Al-
6 Tantawi's barn or the next door neighbor's, I'm not really
7 sure. There's a barn right there. I was on the concrete
8 right here and I believe Hammond and Molloy, they parked
9 like right over here.

10 Q All right, so you're basically to the east of the garage, is
11 that correct?

12 A Correct.

13 Q All right. And can -- when you parked did you see -- can
14 you see the front of the house from where you parked?

15 A Where I park and I see the front of the house, yes, Sir.

16 Q Okay. And Molloy and Hammond parked even further --

17 A Further out. They would not be able to see --(multiple
18 speakers)--

19 Q -- south of you?

20 A -- house.

21 Q Okay. All right. Okay, what happens once you park your
22 car?

23 A We walked to the residence, knocked on the door and we were
24 greeted by Mr. Al-Tantawi -- Doctor Al -- Doctor Basil --
25 Bassel.

1 Q Okay, and what happened when that -- when he greeted you?

2 And which door did you go to, do you know?

3 A There was-- the doorway right here. I believe right -- I

4 believe that was one of the main front doors over here.

5 Q Okay. Well, let me --

6 MR. KEAST: You ready?

7 MR. SKRZYNSKI: Just the other one. That

8 one's 15?

9 MR. KEAST: This is 12.

10 MR. SKRZYNSKI: Oh, 12.

11 BY MR. SKRZYNSKI:

12 Q Okay, so if you look at Exhibit number 12 now, that's the

13 diagram, do you have some idea about which door you used?

14 A Correct. I believe it's this doorway right here.

15 Q So there's a doorway that leads into -- I can't read that.

16 A It says entry. There's just like a little -- like a --

17 Q Okay. So it's just to the west of the garage?

18 A Correct.

19 Q All right, that's not the main --

20 A This would be the main door to the residence right here --

21 (multiple speakers)--

22 Q As you're looking at the picture, right to the left of where
23 it says "foyer"?

24 A Correct.

25 Q All right, that's the main entrance, but you go to that side

1 entrance?

2 A Again, I'm -- I don't -- now I'm not so sure this is the
3 door we went -- I don't think we walked all the way to this
4 one, I think we knocked on this one.

5 Q Okay. And what happens at that point?

6 A We're greeted at the doorway by the father, Bassel, and we
7 explained why we were at the residence and we'd like to take
8 the kids -- or have them bring the kids down to the station
9 so we can interview them more thoroughly about what had
10 happened the day before.

11 Q Are you doing the talking at that point?

12 A It would have been all of them (ph) to talk. I'm not sure
13 exactly who said that, but that was our intention, was to
14 have him follow us to the station with the kids so we could
15 interview the kids at the station.

16 Q Your intention was to have him drive himself and his
17 children to the police station?

18 A Correct.

19 Q You were not gonna put them in your cars?

20 A No, Sir.

21 Q Okay. Was your intention to handcuff them before they went
22 to --

23 A No, Sir.

24 Q -- the station? Okay. And -- okay, so -- all right, so
25 this, despite the fact that you'd seen this video, you

1 suspected that there was a crime involved, correct?

2 A Correct.

3 Q Yet you were willing to allow -- and was Muhammad one of the

4 people that you particularly wanted to speak to?

5 A Yes, Sir.

6 Q But your -- you made the decision you would still allow his

7 father to drive him?

8 A Correct.

9 Q Okay. Why was that?

10 A We don't know who that person is in the window upstairs. I

11 don't know if somebody came into the residence if they even

12 knew that there was another person in the residence, or if

13 it was one of them, we had no idea who that person was.

14 Q Okay. All right. What happens once you explain that plan

15 to Doctor Al-Tantawi?

16 A The doctor advised that he would prefer that we spoke with

17 the children at the residence because he didn't want to take

18 the children all the way to the police station because that

19 might frighten them to go the police station.

20 Q So what happened then?

21 A Okay, well they both agreed, that's fine, we can talk to

22 them here, that's not an issue. So, at that point in time I

23 think -- I'm not sure when his conversation were advised

24 that Aya was at school.

25 Q Aya?

1 A Aya was at school, Muhammad was somewhere in the residence
2 and Sidra was somewhere in the residence.

3 Q So what happens next?

4 A I made Mr. -- Doctor Al-Tantawi, myself and Detective
5 Hammond, I believe, as he was looking for Muhammad and Sidra
6 --(sneeze)-- bless you. So we went up to the -- we walked
7 up the stairwell, the stairwell right here --

8 Q Okay.

9 A -- to the second floor. I know he was calling out Sidra's
10 name, I don't know if he called out Muhammad's name,
11 Muhammad was outside, he was coming out of his room outside
12 of his door. At that time I was talking to -- I spoke
13 briefly with Muhammad about -- he has an airsoft gun, it's
14 like a big assault rifle thing, and it's kinda cool looking
15 so I was just kinda talking to him saying, oh, my kid would
16 die to have one of those, and --

17 Q If I may have just one second?

18 A Oh, I'm sorry.

19 THE COURT: Certainly.

20 MR. SKRZYNSKI: Judge, at this time -- this
21 is a diagram of the upstairs. This is Exhibit number --
22 People's proposed Exhibit number 18, just move to admit.

23 (At 10:00:28 a.m., People's Exhibit 18 is
24 offered)

25 MR. SCHIANO: I have no objection.

1 THE COURT: Very well.

2 MR. SKRZYNSKI: Take that back --(inaudible).

3 Thank you.

4 BY MR. SKRZYNSKI:

5 Q All right, can you -- the stairs that you came out, do you

6 see those in your -- in the diagram there?

7 A Yes, it would be this stairwell here.

8 Q Okay, those are to the left, the gray area on the left --

9 upper left side of --

10 A Correct, it is here. Up and down arrows.

11 Q And then where is the defendant's bedroom?

12 A Right here.

13 Q And that's labeled Muhammad's bedroom?

14 A Muhammad's bedroom, yes.

15 Q Okay, and did you see where -- you were up there and --

16 A Myself, Bassel and Detective Hammond walked up the stairs,

17 walked up here, Muhammad was standing in his -- was coming

18 out of his room, we were standing in his doorway, I briefly

19 stood in the doorway while Bassel continued calling out

20 Sidra's name looking for Sidra, and I'm not sure if she was

21 in her room or where she was.

22 Q And that bedroom that's labeled Sidra's --

23 A That's Sidra's room, correct.

24 Q That's her room?

25 A I'm not sure if that's where she was or not. I know he

1 eventually relocated her to the master bedroom to watch her
 2 video while we talked to Muhammad.

3 Q Now, when you went upstairs why did you go upstairs?

4 A We were all kinda just standing right here talking and then
 5 --

6 Q You mean on the lower level?

7 A On the lower level, and he was -- Bassel said he wasn't sure
 8 where Muhammad was, so we were kinda mid conversation, just
 9 -- I actually just followed him up the stairs, myself and
 10 Hammond followed me.

11 Q Did you have guns drawn?

12 A Oh, no, Sir.

13 Q All right, did you tell him that, you know, you had to stay
 14 with him and that you didn't want him leaving your sight?

15 A No, Sir.

16 Q Okay. It's just kind of a natural thing?

17 A I thought it was. It wasn't any motive behind it, I was
 18 just following him up the stairwell.

19 Q Okay. What happened then?

20 A At this point in time, like I said, I had stopped and was
 21 talking to Muhammad in his doorway and --

22 Q You say you were talking about an airsoft?

23 A This thing's gargantuan, it's like a -- it's on a tripod and
 24 everything, it's a -- it's an airsoft gun.

25 Q Is it like a long gun, a rifle?

1 A Yes, Sir.

2 Q Okay.

3 A So it's like something you'd see in a movie or something.

4 And my son was also into airsoft guns and I was like -- I

5 was telling Muhammad something like, my kid would die to

6 have something like that, and I think I asked him how much

7 it fired, how many rounds or how fast it was, because I know

8 there's different powers to them, I asked if that was a

9 really powerful one or not. And -- but this -- we were just

10 kinda talking about the gun and Bassel was calling out

11 Sidra's name locating her, and then --

12 Q And what was the conversational tone between you and

13 Muhammad at that point?

14 A Again, we're just talking about the airsoft gun.

15 Q Okay.

16 A It was very --

17 Q Was your son about the same age as --

18 A Yes, Sir.

19 Q -- the defendant?

20 A Yes, Sir.

21 Q Okay. Go ahead.

22 A So we briefly spoke there, then Bassel continued this way

23 calling out Sidra's name and then Muhammad made some type of

24 comment or, "Where we going," or "What are we doing?" And I

25 said, "We're gonna go downstairs and wait for your father."

1 So from there we went downstairs and at some point in time
2 Bassel looped around, I don't know if he came down this
3 other stairway or he might have came down with us, I'm not
4 even really sure, but we all came down back into this
5 general area down here of the -- on the -- it's not on the
6 -- this is the second -- the first floor and the diningroom
7 and the kitchen area.

8 MR. SKRZYNSKI: Sorry.

9 UNIDENTIFIED SPEAKER: No, that's fine.

10 BY MR. SKRZYNSKI:

11 Q Okay, we're gonna put the other exhibit back up.

12 MR. SKRZYNSKI: Fifteen is that? Or 12?

13 MR. KEAST: Twelve.

14 MR. SKRZYNSKI: All right, we're putting 12
15 back up too now.

16 MR. KEAST: This is 12?

17 MR. SKRZYNSKI: Yeah.

18 BY MR. SKRZYNSKI:

19 Q And that -- this is the lower level -- the --

20 A Yes.

21 Q -- main floor?

22 A And we all ended back up right in this general area, which
23 is the stairwell.

24 Q Okay.

25 A Which kinda opens up. There's a laundry room and an area

1 opens up to the kitchen, the diningroom and the family room.
2 We're kinda all just standing around right in there.
3 Q Okay. Did the Mr. Al-Tantawi come down, Bassel?
4 A Yes, Sir.
5 Q And did he come down with Sidra?
6 A I believe he took Sidra to the master bedroom on this end of
7 the house and -- because -- and he made the comment of
8 something like, "She's gonna be watching her iPad." He
9 wanted to let her know what was going on I guess, that
10 people were in the house that, you know, don't normally live
11 there, so he was just kinda making her feel a little
12 comfortable, like put her in the master bedroom to watch the
13 videos.
14 Q Did you assign anyone to keep track of her?
15 A No, Sir.
16 Q All right. So none of the three of you went to guard her?
17 A No, Sir.
18 Q Was there any reason to?
19 A No, Sir.
20 Q Were any of these people under arrest?
21 A No, Sir.
22 Q All right. And as far as you were concerned are any of
23 these people in custody?
24 A No, Sir.
25 Q All right, what happened next?

1 A Again, we're all standing around this area, we're kinda
2 reiterating what our intentions were to kinda go over the
3 timeline and what exactly had transpired, see what we were
4 missing from yesterday. Bassel was beginning talking about
5 having to leave to pick up Sidra -- not Sidra, Aya, who was
6 getting off -- getting out of school. And that's when I had
7 the conversation of, you know, I can make arrangements to
8 have her picked up. You know, the school liaison guys, we
9 can have somebody pick her up at school, and I actually made
10 the phone call to I think Detective Lavin (ph) or Detective
11 -- yeah, it was Detective Lavin, to see about getting
12 Hammond or Detective Miller or there -- our school liaison
13 officers to make contact at the International Academy and
14 say, hey, we're gonna come out there and pick Aya.

15 Q Okay, and your purpose for doing that was what?

16 A So that Bassel could remain at the residence and while we're
17 interviewing Muhammad and Sidra.

18 Q Okay. What did he say?

19 A He refused our assistance of having Aya picked up and said
20 that, you know, he would pick her up. And I was like, you
21 know, we don't mind, it's not a hassle for us to pick --
22 have Aya picked up. And he goes, well, she's not in White
23 Lake at the International Academy, she's at the library.
24 And I'm like, "Oh, that's even better, it's closer, we can
25 send somebody over to pick her up." At that point in time

1 the subject changed to Bassel's still going to go pick up
2 Aya but he wanted to -- he said that him and Muhammad are
3 about to pray and asked if they could pray real quick before
4 he left to go pick up Aya, and I didn't have a problem with
5 that, so --

6 Q Okay, you'd come to find out that they were Muslim?

7 A Correct. Yes, Sir.

8 Q And this is part of their --

9 A Very limited knowledge of the Muslim religion, but yes, I
10 know that they pray several times a day, so I was, "Sure, go
11 ahead." So they went into this area right here, the family
12 room.

13 Q Okay.

14 A And that's where there was music playing and -- I'm sorry, I
15 guess it's music, it was a different language, I don't know
16 if it was reciting some prayers or what it was.

17 Q Cantor or something?

18 A Yes, Sir. And they were in this area right here and they
19 were over this corner of the room --

20 Q And that's the lower right-hand corner of the family room,
21 is that correct?

22 A Correct. And that's where that lasted five, seven minutes I
23 believe.

24 Q Did somebody accompany them into the room to watch them?

25 A No, Sir. We stayed over here. We could -- I see them but

1 we weren't like -- we were, I don't know, 25, 30 feet away
2 from them.

3 Q Okay.

4 A Or more --(inaudible)-- guess.

5 Q And as far as you -- you considered, what did you think they
6 were doing?

7 A I assumed they were praying. They don't speak the language
8 so I'm not sure what they could have been saying to each
9 other, but that's -- they were over here in this corner and
10 they were speaking their native language, and whether it was
11 prayer or what they were doing, I don't know.

12 Q Okay. What happened then?

13 A After they prayed Muhammad -- I mean Bassel advised that he
14 was going to be leaving to go pick up Aya and at that point
15 in time we sat down at -- there's a diningroom table right
16 here that runs this way, long ways this way --

17 Q That's north and south on the picture?

18 A Correct. And we sat at this table, it was a rather large
19 table. Detective Hammond set on I believe the west side of
20 the --

21 Q Well, where did you sit at the -- well, before we do that
22 did you have any other conversation with Bassel before he
23 left?

24 A No, other than he's going to -- after making efforts to try
25 and pick up Aya for him he advised that he would pick up Aya

1 and we advised, okay, well we're gonna -- we'll stay here
2 and talk to Muhammad, and he said, "Fine."
3 Q Did he ever tell you, "Don't talk to Muhammad" --
4 A No, Sir.
5 Q -- "until I return"?
6 A At no point did he say that.
7 Q Okay. But you said you mentioned we were going to talk to
8 him while you're gone --
9 A Correct.
10 Q -- and he said, "Okay"?
11 A So he left Sidra and Muhammad there with us --
12 Q So he actually left?
13 A Yes, Sir, he left the residence.
14 Q Okay. And then you said -- now, you were talking about the
15 diningroom table.
16 A Correct.
17 Q Go ahead.
18 A According to the picture the table would have run north and
19 south, it's a very large table, I think it sat one, two,
20 three, four, five, six -- three on each side of the table,
21 fairly large chairs, and two -- a chair at the end of each
22 -- each -- at the head of the table. I sat -- Detective
23 Molloy, Detective Hammond went to the -- what would be the
24 west -- west side of the table --
25 MR. SKRZYNSKI: Can --

1 THE COURT: Yes, you may.

2 MR. SKRZYNSKI: -- Mr. Keast approach? Thank

3 you.

4 MR. KEAST: This is 13.

5 BY MR. SKRZYNSKI:

6 Q All right, he's handing you Exhibit number 13, it's already

7 in evidence, and do you recognize that?

8 A Yes, Sir, this would be the diningroom table that we sat at.

9 Q Okay, now that's not the entire table --(multiple speakers)

10 --

11 A No, Sir.

12 Q -- in the picture?

13 A This is not --

14 Q Can you show the court that --

15 A This is not the entire table. It starts -- one end starts

16 here, this is the end that I was sitting at and Muhammad was

17 sitting here, Detective Molloy was sitting here, Detective

18 Hammond was sitting there.

19 Q The area that you were sitting at, that's outside the

20 picture?

21 A Yes, Sir, it's outside the picture.

22 Q Okay, it's on the right -- right side of the picture past

23 the edge of the picture?

24 A Correct.

25 Q To the right of the picture as you're looking at it?

1 A Correct.

2 Q Okay. I just wanted to make a record about that. All
3 right. Thank you. And then so you're at the head of the
4 table and Muhammad is sitting at which side of you?

5 A He was -- well, first off, I asked if it was okay to sit at
6 the head of the table because that chair was more ornate and
7 I didn't want to disrespect his family or his religion. I'm
8 not sure if there was any significance or what the -- I just
9 know the chair was more ornate than the other chairs so I
10 assumed that that was for his father. I wasn't sure, I
11 asked him if it was okay to sit there and he said, "Fine,
12 you can sit there." So I sat at that head of the table,
13 it's not pictured here, and Muhammad sat to -- would be
14 sitting to my left, Detective Molloy and Detective Hammond
15 were to my right.

16 Q All right, so they're Molloy and Hammond are on opposite
17 sides of the table than the defendant?

18 A Correct.

19 Q And how far away are you seated from the defendant?

20 A I would say -- if I was sitting in a chair normally could I
21 reach out and touch him, no. If I could -- when I lean
22 forward I could probably reach forward and touch him or
23 something, you know, the corner of the table, so I would say
24 -- I mean, body to body we're probably four feet away, five
25 feet away.

1 Q Okay.

2 A About four feet away.

3 Q And how about Detective Molloy and Detective Hammond, how
4 far away are they?

5 A Again, it's -- I would say the -- probably greater than the
6 width of the tables that the defense and you have, it was --
7 at minimum it was as wide as that table, probably a little
8 bit wider because it was a diningroom table, so they were
9 sitting -- they couldn't just reach out and touch somebody
10 or you would have to get up and lean way over the table to
11 try and touch somebody on the other side.

12 Q Okay. So as the defendant's sitting there what is he
13 facing? Do you know? What part of the room?

14 A Oh --(undecipherable).

15 Q Yeah, I'm sorry.

16 A I didn't know what you were talking about.

17 Q Yeah, he's facing --(inaudible).

18 A So if the table's running long ways this way he would be
19 facing towards the laundry room, maybe you could see that
20 stairwell, I'm not sure, there's a wall on this side of the
21 diningroom, he could surely turn his head a little bit and
22 see the kitchen, there's a big island right here. In order
23 to see this part of the house he would -- or he'd have to
24 turn around in his chair and look over his shoulder. So,
25 he's looking at -- from where he's sitting right here I -- I

1 never sat there so I'm not exactly what all he can see, but
2 he'd be facing the laundry room, stairwell, the hallway
3 leading to the entry door to the garage and a wall.

4 Q Okay. And the area behind him is open, it's an open area,
5 correct?

6 A Correct. He would have been about right here and it opens
7 up into this family room here. There was a couch here,
8 there's a couch over here, here's a table, is a fireplace.

9 Q So there was more room behind him than there was behind
10 Molloy and Hammond?

11 A Oh, definitely, yes, Sir. This is -- this opens up to the
12 whole house over here behind him.

13 Q Including the exit at the front door?

14 A You had the -- you had the -- I guess if he's sitting right
15 here you have the exit out the kitchen, you have an exit out
16 this door, you have downstairs, access to downstairs, this
17 stairwell where there's multiple exits on the basement,
18 yeah.

19 Q So there was no one stationed behind the defendant to
20 prevent him from exiting?

21 A No, Sir. The only people that were in the room were myself,
22 Detective Hammond, Detective Molloy and Muhammad, and Sidra,
23 who was -- I believe she was in the master suite. I believe
24 that's where she was watching her tablet or something.

25 Q Okay. Now, the picture that you're looking at of the room,

1 is that -- what exhibit is that, 7?

2 A This is number 13.

3 Q Number 13. It shows that the blinds are closed, is that the

4 way it was when you -- you remember talking to him?

5 A Yes, Sir.

6 Q Okay. So you couldn't see out the windows because of the

7 blinds?

8 A Again, he's not facing that way, but no, he can't see out

9 the -- you wouldn't be able to see out the window with the

10 blinds.

11 Q Okay, thank you. All right. While you were talking to him,

12 during the course of this interview did anyone else besides

13 the three detectives enter the home?

14 A No, Sir.

15 Q Okay. During the --

16 A Until -- no, I'm sorry. Well, at the end when Bassel

17 returned with Aya then that -- he came into -- they came

18 into the residence then, yes, Sir. At that point in time we

19 were still talking to him.

20 Q Did any other police officers come into the house during --

21 (multiple speakers)--

22 A No, Sir.

23 Q All right, so just the three of you?

24 A Correct.

25 Q All right. Did you ask -- did you handcuff him while he was

1 sitting there?

2 A No, Sir.

3 Q Did you have any idea that you should?

4 A No, Sir.

5 Q Were there any restraints on him?

6 A No, Sir.

7 Q Did you tell him he couldn't leave the room?

8 A No, Sir --(multiple speakers)--

9 Q Did you tell him he had to answer your questions?

10 A No, Sir.

11 Q Did he --

12 A He had freedom to get up and get a bottle of water off the

13 kitchen counter. And --(undecipherable)-- one point in time

14 he did go to the restroom. I'm not sure if that was after

15 the interview or not, but he -- I know he had gotten up and

16 got a bottle of water because he asked me if I wanted one,

17 or held up some bottled waters if we wanted one.

18 Q That was during the interview?

19 A Correct.

20 Q So he got up and got water?

21 A There was like a big, huge -- I think it was around 36 packs

22 of bottled water sitting on the kitchen counter right behind

23 us and he got water.

24 Q Did you accompany him to go get it?

25 A No, it's right behind -- it's probably -- again, he's

1 sitting here, the kitchen counter's like right here.

2 Q So he got up and walked across the house to the kitchen --

3 A Again, it's not that far. I'd probably say like maybe 10

4 feet to get a bottle of water.

5 Q Okay. But he was free to do that?

6 A Correct.

7 Q You didn't tell him he -- come back and sit down?

8 A No, Sir.

9 Q Okay. All right, did he appear to be ill to you at any

10 time?

11 A No, Sir.

12 Q Did he appear to be unusually tired?

13 A No, Sir.

14 Q Or hungry?

15 A Or what?

16 Q Hungry.

17 A No, Sir.

18 Q Did he -- did he ask you -- besides the water, any other

19 reasons that he wanted to get up that you said no?

20 A No, Sir.

21 Q Did he ask you to get up any other time?

22 A No, Sir.

23 Q Okay. Did he appear under the influence of any kind of

24 drugs or alcohol?

25 A No, Sir.

- 1 Q Was he injured?
- 2 A No, Sir, not to my knowledge.
- 3 Q Did he complain of any injuries?
- 4 A No, Sir.
- 5 Q Was he cooperative with you?
- 6 A Yes, Sir.
- 7 Q Did he seem to understand what you were saying?
- 8 A Yes, Sir.
- 9 Q Did he ask you to repeat anything you were saying?
- 10 A I don't believe so, no, Sir.
- 11 Q Did he ask you to explain what you meant by any -- any
- 12 phrases that you used?
- 13 A There was one question that he mis -- I think he kinda
- 14 misinterpreted when we were speaking about the victim and I
- 15 asked if she was -- if he knew if she was seeing anybody and
- 16 he was like, you mean a therapist? And no, I meant like if
- 17 she had a boyfriend or any male friends, so that was like
- 18 the -- that's the kind of stuff you're talking about, that
- 19 was --
- 20 Q All right, so --
- 21 A -- an honest mistake (ph).
- 22 Q -- in other words, it wasn't like he -- he could not
- 23 understand the words you were using, it's that he had one
- 24 interpretation of what that could mean and you had another?
- 25 A Correct, yes.

1 Q And you explained to him the interpretation you wanted him
2 to answer?

3 A Yes.

4 Q Did he answer that?

5 A Yes.

6 Q Okay. If he had wanted to go to the bathroom during the
7 course of the interview would you have let him?

8 A Yes, Sir.

9 Q Okay, would you had let him go by himself?

10 A Yes, Sir.

11 Q If he had asked to stop the interview, if he said, "I don't
12 want to answer more questions, that's it, I'm out of here,"
13 would you have stopped?

14 A Yes.

15 Q Okay. During the course of the interview did you tell him
16 about your suspicions regarding the circumstances of his
17 mother's death?

18 A Not at the beginning, no, Sir.

19 Q Okay, at some time during the interview?

20 A At some point in time, yes, we did.

21 Q Okay. And that's in the transcripts and on the tape -- on
22 the disk?

23 A Yes, Sir.

24 Q Okay. All right. Did any of the three of you, three police
25 officers leave the house during the course of the interview?

1 A During the course of the interview I believe I requested
2 that one of the detectives, I believe it was Detective
3 Hammond --(undecipherable) -- car running and I asked him to
4 go turn off my car and I believe to retrieve my phone out of
5 my car.

6 Q Okay, did he do that?

7 A Yes.

8 Q Okay. All right. So this interview went on and what --
9 during the course of the interview what are you thinking?

10 A During the course of the interview, again, we wanted to --
11 we wanted him to go over his story, I wanted to hear
12 everything that happened on the evening prior to the
13 incident occurring, so I wanted to see all what he had to
14 say about that, I wanted to find out if anybody had come
15 over to visit or if anybody came into the residence that he
16 knew of, if he had heard anything.

17 Q Did he say anybody had?

18 A No, Sir, he said that he would have known if somebody came
19 into the house.

20 Q Okay, and what else did you do?

21 A More -- more of just trying to figure out who this person
22 was in the room. As the interview progressed it kinda
23 started to pick up on some -- some little -- not issues but
24 some -- Muhammad was being very detailed in certain aspects
25 of what hap -- or what -- accounting for his self the night

1 before.

2 Q What details?

3 A The details about he exactly knew what time his mother went
4 to bed, he exactly knew what time he went to prayer at the
5 Mosque, he knows exactly what time he got back and he knew
6 exactly what time he got up, he knew exactly what time he
7 got out of the shower, I mean, but he was -- we asked him
8 other questions about well, nah, I don't know, or I'm not
9 sure, or it's like you're being awfully detailed, you
10 remember this and you remember this but you don't remember
11 this. And then he came forward and said, well, "My mom did
12 ask -- I did see my mom and I went up to get a drink of
13 water."

14 Q All right. Had you suggested anything before that?

15 A No, Sir. I don't believe so, no, Sir.

16 Q Okay. When he said that what happened?

17 A Well, that immediately struck me as very odd. You remember
18 that you got up at 6:00 o'clock and you took a shower at
19 6:03 but you don't remember getting up and seeing your mom
20 carrying cleaning supplies going into the room that she
21 eventually allegedly fell out of and died? You don't
22 mention that? I'm like, that seemed very telling to me that
23 there was more to this than -- he knew more about this than
24 he was letting on.

25 Q All right. So does your thinking change at that point?

1 A At this point in time I'm thinking he has more information
2 to tell us. Whether he's that person in the window, I don't
3 know, but at this point in time he has given me information
4 that he had not given anybody else before. He had told me
5 that he saw his mother carrying cleaning supplies because he
6 had got up to go downstairs to get a drink of water.

7 Q What happens then?

8 A At that point in time I was like, well -- he's like, yeah,
9 nothing, I went back to my bed, I went back to sleep. And
10 I'm like, Muhammad, you don't remember this at all until
11 right now that you did see your mother carrying cleaning
12 supplies, you're so adamant about what time you got up, what
13 time you brushed your hair, what time you brushed your teeth
14 and now all of a sudden you remember she's walking up the
15 stairs. Then his story changes again to where he got some
16 -- his mother asked him to get some cleaning solutions, so
17 he went and got the spray bottle. So he further says that
18 after he got the -- you know, got the spray bottle, brought
19 it to his mother and he turned around and immediately left
20 the room. And I'm like, again, Muhammad, you're telling me
21 that you don't remember seeing your mom walk upstairs, you
22 don't remember asking you to get you something and then you
23 just leave the room?

24 And this is the point in time we had already
25 told him that we had -- recovered the video from outside the

1 house, embellished a little bit as to what the video showed.

2 Q Did things change once you told him that?

3 A Yes. He was --

4 Q How did they change?

5 A -- his whole demeanor changed. His body changed, his -- the
6 look on his face changed. I mean, he kinda slumped down in
7 the chair and was -- after that, the first couple questions
8 were kinda very short and he didn't want to expound on the
9 answers, it didn't seem like he was just talking as freely
10 as he was earlier.

11 Q All right. At some point you suggest scenarios to him?

12 A Yes.

13 Q What do you suggest?

14 A I suggest that if -- if this could have been an accident, I
15 said, and that's fine if it was an accident, people have
16 accidents all the time, I go, but you being untruthful about
17 an accident tends to make people think that maybe this
18 wasn't an accident, so you need to tell us everything you
19 (ph) need to know about this. If you were supposed to hold
20 the ladder and she fell out the window when you were looking
21 at your phone, I used the example, I'm like, yeah, my kid's
22 always on his cell phone, if I ask him to do something he'll
23 hit me in the head with a hammer if I don't watch out. But
24 I go, if you were doing something that you were embarrassed
25 of, if it's an accident, it's still an accident, just let us

1 know.

2 Because if we get this video back and we
3 prove that it's not an accident, or we prove something
4 different than what you say, we're gonna look a lot
5 differently at this about you saying this is an accident.

6 Q Okay. All right, does he eventually change -- add more to
7 his story?

8 A Yes, Sir.

9 Q What does he say?

10 A At a point in time he admits he furthers the story by saying
11 that she called him into the room to help her and --

12 Q Does that -- does that happen after you suggest the accident
13 scenario?

14 A Correct.

15 Q Okay, go ahead.

16 A And he asks -- he advised that he -- which I did not mention
17 to him, he mentioned the blue bucket with the cleaning
18 solution in it, he said it had some type of liquid in it. I
19 didn't mention the ladder, he brought up the ladder, and he
20 advised that he helped her remove the screen from the
21 window. And then he said she had already sprayed some stuff
22 on the window and she was on a ladder, he said, "I didn't
23 know I was supposed to be watching the ladder the whole
24 time" --

25 Q Is he holding the ladder?

1 A He never really said he was holding the ladder, he just
2 said, "I never knew I was supposed to be watching the
3 ladder," because his mother said the ladder was unsteady.
4 And he wasn't really watching the ladder because he didn't
5 know he was supposed to watch it the whole time, and she
6 went out the window, she was leaning out the window and she
7 fell out the window and he wanted to reach out and grab her,
8 he couldn't do it, he looked out the window, saw that she
9 was on the concrete and wanted it to be a dream so he went
10 back to his bedroom and took a shower and went to bed, or
11 went back to bed. He didn't call 911, didn't do anything
12 like that.

13 And he said -- then he got -- started acting
14 like he was getting emotional and he was saying, "I just
15 didn't want to say that" because he -- because it was his
16 mom, he said like he -- like he was -- like he screwed up
17 and he was supposed to have held the ladder or something.

18 Q Okay. At that point did you block the path behind him? Did
19 either -- any of the detectives get up and take custody of
20 him?

21 A No, Sir.

22 Q Everybody just stayed exactly where they were?

23 A Correct.

24 Q Did any of the circumstances that surrounded the -- the
25 questioning up to that point change?

1 A I'm sorry, could you repeat that?

2 Q I said did any of the circumstances that had been in
3 existence up to that point change?

4 A No, Sir.

5 Q Okay.

6 A The only thing that changed is while we were getting
7 clarification and expound a little bit more on what had
8 transpired and the positioning of his mother when he said
9 she went out the window was when I was notified that the
10 father returned and I said, "Send him up," and they came
11 into the --

12 Q Who notified you of that?

13 A I want to say it was Officer Bretz. I'm not sure. It was
14 one of the uniformed officers or it might -- some other
15 detectives had shown up and were outside also, I don't know
16 if it was one of them but somebody called me, you can hear
17 me on the audio saying, "Okay, well send him up."

18 Q All right. There was -- as soon as you got that call you
19 said "Send him up"?

20 A Correct.

21 Q Okay. Was there any plan on your part to detain or have
22 Doctor Al-Tantawi detained at the end of the driveway while
23 you continued to talk?

24 A No, Sir.

25 Q Okay. What happens then?

1 A The doctor came in and by this time there were other
2 officers on the scene, other detectives on the scene, and he
3 wanted to know what was going on, why --
4 Q Detectives on the scene in what sense? Where are they?
5 A Outside the residence.
6 Q All right. So there's still no other police officers
7 besides the three of you inside the residence?
8 A Correct.
9 Q Okay. When Doctor Al-Tantawi comes in that's the way it is,
10 just the three officers and --
11 A Myself, Detective Hammond and Detective Molloy.
12 Q Okay. And the defendant and Sidra?
13 A Yeah, I'm sorry --(undecipherable)-- the defendant.
14 Q And that's it?
15 A Yes, Sir.
16 Q What happens then?
17 A At that point in time the doctor comes into the residence,
18 he's wondering why there's so many police cars outside
19 because more cars had arrived, more detectives, because we
20 knew we were doing a search warrant had shown up but
21 everybody had remained outside, and wanted to know what was
22 going on and he -- evidently he had already spoken to an
23 attorney who told him he doesn't want us talking to the kids
24 anymore, doesn't want them talking to the children anymore.
25 I said, "Okay, we're done," and then he gave me his phone to

1 talk to an attorney. I'm not sure what the attorney's name
2 was, I could probably look at the report and give it to you,
3 this attorney advised me he was in Ohio, or was out of the
4 -- out of the state right now but did not want us talking to
5 Muhammad or any other children.

6 Q Was Aya in the house too at that point?

7 A I'm not sure if she was directly in the house. She was
8 maybe on the landing or she was in the garage or -- I'm not
9 sure where she was. She was on the prop -- on the premises,
10 yes.

11 Q Did a police officer come in with them?

12 A Yes. They were escorted up to the -- up the driveway. He
13 drove his van up to the driveway, there was a van in his
14 driveway, and they came to the doorway and officers -- at
15 least one uniformed officer, I think it's Detective O'Neil
16 in plain clothes, and maybe Detective Smith were standing
17 there with Mr. Al-Tantawi and Aya.

18 Q Okay, and they came into the house?

19 A Correct.

20 Q All right. And you talked to the attorney?

21 A Very briefly. Very briefly I talked to him. I might have
22 even handed the phone off to Hammond and the conversation
23 with Muhammad was stopped and --

24 Q Did the attorney instruct you he wanted you to stop?

25 A Well, his dad instructed us he wanted us to stop, so it

1 stopped, and then the attorney also instructed.

2 Q And where does Doctor Al-Tantawi go?

3 A He -- this area right here. Again, we all kinda -- this is

4 where I met him at. I got up to the table and walked over

5 --

6 Q And you're talking about the entranceway --

7 A To the garage.

8 Q Yeah, into the garage.

9 A I believe it's -- yes, Sir, I believe it's the garage.

10 Q That's where they're coming in? If you know.

11 A Yeah, I believe it was the garage.

12 Q Okay. That's the door there that --

13 A That's the door that leads out to the garage. This is the

14 door that leads out to the -- no, I take that back. It was

15 this doorway because I remember the -- there was like a

16 little landing right here, a patio where they were standing

17 on. It was this doorway that he came in.

18 Q Okay.

19 A And we kinda had our conversation right here.

20 Q By the door to the garage?

21 A Correct. And this is where I took the phone call from his

22 attorney. We already told Detective Molloy and Detective

23 Hammond stop talking to Muhammad. And then I am -- Bassel

24 was pretty much talking to everybody. He was -- he would

25 talk to me and then he turned to another officer, then

1 turned to the detectives and he was kinda talking to
2 everybody. And after I got off the phone we all came in
3 here and at some point in time Molloy and Hammond, they
4 stopped their talking with Muhammad. We were all kinda
5 talking to Bassel in this area. Muhammad is still sitting
6 at the chair. At some point in time Muhammad got up and
7 went and sat on this couch and he was sitting on this couch
8 with his phone right here.

9 Q He did that on his own volition?

10 A I mean, he might have asked, I believe he asked, it was
11 like, that's fine, you can sit on the couch, and he sat on
12 the couch still unrestrained, unhandcuffed, and he --

13 Q He was what?

14 A Unrestrained and unhandcuffed.

15 Q He's not handcuffed or restrained?

16 A No, Sir, not at this time.

17 Q Okay. All right.

18 A So at this point in time I wanted to kinda collect myself
19 and find out, you know, go over everything that we learned
20 from the interview, so I stepped out -- by this time now --
21 now at this point in time there are -- there is a uniformed
22 officer in the house, there's a couple more detectives in
23 the house. We go out -- I go outside through the garage out
24 to the driveway, I make a phone call to let my superiors
25 know what's going on and advise them I'll be making an

1 arrest. At that point --

2 Q At that point you decided you were making the arrest?

3 A Correct, yes. So at that point in time I called dispatch, I
4 was still outside, and I requested a uniformed -- another
5 uniformed officer to make the scene to take Muhammad into
6 custody, and at that point in time I went back in the house
7 where Muhammad stayed unrestrained sitting on the couch
8 until Officer Andrews was dispatched and showed up. Officer
9 Andrews showed up and handcuffs were placed on him and he
10 was transported to the station. And I think Detective
11 O'Neil, maybe another detective went with -- rode with --
12 somebody else rode with them, so there was two -- one
13 officer, one detective and Muhammad in the back seat
14 handcuffed at this point in time.

15 Q Do you know who actually arrested the defendant?

16 A Who actually placed the handcuffs on him?

17 Q Yeah.

18 A I believe that was Officer Andrews.

19 Q Okay. Did anything happen -- I mean did you say anything to
20 Doctor Al-Tantawi?

21 A Yeah, I told him his son was going to jail.

22 Q Did he -- what did he say?

23 A He was like -- he wanted to know why and I said for the
24 death of the victim, Huranieh. I mean the victim.

25 Q All right, at that point what happened?

1 A Again, I spoke with Bassel a little bit more and he just
2 wanted to know why, I said, well, because his story has
3 changed since the last time we spoke to Muhammad, that he's
4 -- was in the room when this happened, it was not an
5 accident, and it was all video and that that's what was
6 going on, and Bassel -- again, at this point in time he was
7 very flustered and was talking very fast and talking to
8 different people. He wouldn't just like stay and look at
9 you and have a conversation with you, he kept turning to
10 different people and it was very hard to carry on a
11 conversation with him. And then I, at that point in time,
12 explained to him I had received information that Detective
13 Gerrick had gotten the search warrant signed and obtained
14 the search warrant, had been reviewed by the Judge and we
15 were executing a search warrant and that's when I advised
16 Bassel that we will be executing a search warrant at the
17 residence.

18 Q Okay. And what was he supposed to do at that point, what
19 did you want him to do?

20 A To leave the residence.

21 Q Okay. Did he do that?

22 A Yes, Sir.

23 Q And what happened -- was Aya there still?

24 A Yes.

25 Q And Sidra?

1 A Yes.

2 Q When Doctor Al-Tantawi left where did those girls go?

3 A They went with him. I believe they went to the station.

4 I'm not sure. Or -- I'm not sure where they went.

5 Q All right.

6 A I know at some point in time Bassel showed up at the police
7 station.

8 Q And it -- did you -- did your officers begin the search of
9 the house right away after he left?

10 A No, Sir, we had to wait for the search warrant to get there.

11 Q Oh, so you -- you waited until who -- how did the search
12 warrant get there?

13 A Detective Gerrick authored it and had it signed, so I'm
14 assuming that he's the one that brought it over to the
15 station. He assisted in the search, so I'm not sure he's
16 the one that actually physically brought it over. I know he
17 contacted me by phone and advised me that it had been
18 signed, so it was a valid search warrant.

19 Q Do you know who participated in the search?

20 A There was myself, evidence tech --

21 Q Who is that?

22 A Would have been Bretz and Swanderski, also known as Trot in
23 the paperwork, Detective Gerrick, Molloy, O'Neil, Smith,
24 school liaison Detective Lavin, Miller, Detective Millot
25 (sp), Detective McDonald, that should about cover it I

1 believe.

2 Q But these are people who are all there after the defendant
3 has been removed from the premises?

4 A Correct. Well, I mean, no, I'm sorry, Bretz and -- Bretz is
5 there as a uniform presence from when he first showed up
6 there, and at one point in time O'Neil and Smith had showed
7 up. I'm not really sure but they remained outside the
8 residence and everybody else came once Detective Gerrick got
9 the search warrant signed.

10 Q Okay, and that was all pursuant to the search warrant?

11 A Correct.

12 Q All right. Did you dispatch someone or detail someone to
13 follow Doctor Al-Tantawi when he left to go pick up Aya at
14 the bus stop?

15 A I believe I did, Detective Smith and O'Neil, I believe I
16 said, "Follow them to see where he's going, make sure he's
17 going to pick up Aya."

18 Q Why did you do that?

19 A I just wanted to keep an eye on where Bassel was. I still
20 -- again, we don't know who was in this room at the time of
21 this -- at the time this incident went down so I wanted to
22 make sure that we had tabs on where -- all the people that
23 we knew about were located. I didn't want him to get hinked
24 (ph) up because now the police are back at his house and
25 they're asking more questions, I wanted to make sure that,

1 you know, we had to keep an eye on people as to where
2 they're going.

3 Q Okay, and that's because you don't know who's up in that
4 room?

5 A Correct. I know that his tether said that he wasn't up in
6 the room, but tether's been -- tethers have been known to
7 have been defeated before, so I wanted to make sure that,
8 you know, nothing -- somebody makes a bolt for the airport
9 or something like that I wanted to make sure we know where
10 everybody is.

11 Q Okay. At any point did Doctor Al-Tantawi tell you -- or ask
12 you, "Do I need a lawyer?"

13 A The lawyer was brought up after they returned back from --

14 Q But before he had left to go pick up Aya.

15 A I do not recall, no, Sir. I do not remember a conversation
16 with him about an attorney, no, Sir.

17 Q Okay. He didn't ask you if he needed one?

18 A No, Sir.

19 Q Do you remember him saying when he returned that, "I thought
20 I needed an attorney," or, "I told you I needed an
21 attorney," something like that?

22 A Again, he was talking very quickly, he was -- and --
23 different type of conversation with him because you -- if
24 there's more than one person there he looks to other people
25 in the room as he's talking, and all's I know is he had

1 brought up the fact of an attorney, he doesn't -- he spoke
2 with an attorney, he doesn't want us speaking with his son
3 anymore and then wanted me to speak to the attorney myself.
4 So I --(undecipherable)-- his phone or if I called him on my
5 phone, and I identified myself, he identified himself -- his
6 self, and I said, "Okay, the interview is ended."

7 Q Okay. Thank you.

8 THE COURT: I have to take a break. I have
9 to do bench warrant arraignments, so we'll take a break
10 right now.

11 You can step down.

12 THE WITNESS: You want me to leave this up
13 here, John, or...

14 MR. SKRZYNSKI: Sure. Well, why don't you
15 give it to us --(inaudible)-- where it is.

16 THE COURT: All right, this is probably going
17 to take about 10 minutes or so, maybe -- do you need to use
18 the restroom? Why don't you take the defendant?

19 (At 10:38:25 a.m., hearing recessed)

20 (At 11:09:25 a.m., hearing resumed)

21 THE CLERK: Your Honor, recalling People
22 versus Al-Tantawi, case number 2017-265355-FJ.

23 MR. SKRZYNSKI: Your Honor, John Skrzynski,
24 I'm here with the prosecutor (ph).

25 MR. KEAST: Thank you, Marc Keast on behalf

1 of the People.

2 MR. SCHIANO: Michael Schiano on behalf of
3 defendant.

4 MR. HART: Marc Hart on behalf of the
5 defendant.

6 THE COURT: All right, you may proceed, Mr.
7 Schiano.

8 MR. SCHIANO: Thank you.

9 CROSS-EXAMINATION

10 BY MR. SCHIANO:

11 Q Sergeant Wehby?

12 A Yes, Sir.

13 Q Good morning.

14 A Morning.

15 Q I know we've questioned you before, I just -- I want to go
16 over some things about what happened here in regards to the
17 statement. So I'm clear, the DVR is brought back to the
18 Farmington Hills Police Department, you're present when it's
19 brought back, correct?

20 A Correct.

21 Q And yourself and Hammond and Molloy all begin to view it
22 between 1:00 o'clock and probably 3:00 o'clock before you
23 roll into the house at 3:20, is that a fair timeline that
24 we're talking about?

25 A I'll take your time frame. I'm not sure exact time, but

1 yes, that's what happened. We reviewed it, I'm not sure of
2 the exact time.

3 Q Okay, but -- so two hours worth of reviewing it, you make a
4 game plan to go over to the house and you told the court
5 earlier that approximately 3:00, 3:20 when you get to the
6 house around 3:20 you indicated that Gerrick -- is it
7 Gerrick or Gerrig?

8 A Gerrick.

9 Q Gerrick, he is drafting a search warrant you said, right?

10 A Correct.

11 Q Okay, and that search warrant was never signed by a
12 magistrate until 6:47, correct?

13 A If that's what the time frame says, yes.

14 Q Big numbers on the document, 6:47?

15 A That's what that says --(multiple speakers)--

16 Q Does that refresh your recollection? Okay. So -- and
17 you're aware that the conversions that you had with Muhammad
18 took place between 3:20 and about 4:00 o'clock before the
19 father gets back there, correct, about a 40 minute period of
20 time?

21 A I think the recording is 40 minutes long, I don't think the
22 actual interview was that long.

23 Q Okay, so the recording was all of 40 minutes, correct?

24 A I believe so, yes.

25 Q Let's just take a couple steps back. Before -- after you

1 get this two hours of reviewing the video and making plans
2 to go to the house, okay, these plans involved a search
3 warrant you told the court, correct?

4 A Correct.

5 Q And how many homicide investigations have you completed? I
6 thought you told me when you were in Memphis there was a
7 number down there and you worked a few other places.

8 A As far as being the detective in charge?

9 Q Yes.

10 A Detective in charge, seven or eight.

11 Q Okay, so when you told the court that you were in the
12 process of getting a search warrant for this house on Howard
13 Road would it be a fair statement to say that it was gonna
14 be your intention to secure that scene at least for the
15 search warrant, correct?

16 A Correct.

17 Q Okay, so the reason why you bring Bretz and other officers
18 to secure the scene is you're not gonna let anybody on the
19 property I take it, correct?

20 A Correct.

21 Q And that's what you did that day, correct?

22 A Correct.

23 Q So at 3:20 when you go over to the house, you said Bretz had
24 met you there, I think you testified to that before?

25 A Yes, Sir, I believe we waited for him. I think we kinda

1 arrived at the same time.

2 Q Okay, so that was a big SUV with the Farmington Hills Police
3 Department and he stationed himself at the -- I'm gonna
4 steal it just for a second here, at the driveway entrance,
5 correct?

6 A I told him in that area. I'm not sure exactly if he parked
7 blocking the driveway or if he parked to either side, but
8 I'm not sure where he actually parked, but I told him at the
9 end of the driveway.

10 Q At some point though you had a game plan in place for him to
11 do that I take it, correct? You talked to him?

12 A Yes, Sir.

13 Q And who else did you talk to prior going over to the house
14 that day besides Hammond and Molloy and Bretz?

15 A I talked to my lieutenant, Nicholas, I talked to -- I
16 believe the commander at the time, Daniel Rodriguez,
17 assistant chief Matt Cain (sp), my other detectives because
18 if they had plans for that evening or we probably would not
19 be getting off at 4:30 in the afternoon because if you
20 execute a search warrant.

21 Q Okay, so there was actually things in place that you had
22 done to make sure there were a number of officers that were
23 gonna be coming to the house on Howard Road sometime after
24 the search warrant gets signed I take it, correct?

25 A There was not a particular time -- set time for them to

1 arrive, I was given the information that we were going to be
2 executing a search warrant at the residence and that if they
3 need to call their significant others or whatever, that they
4 would most likely not be getting off work at 4:30 and
5 leaving. But I did not tell them to be at the house at a
6 certain time, no.

7 Q But you were aware that around 4:00 o'clock when the father
8 had gotten back there were a number of police cars in the
9 driveway already there, correct?

10 A There were two marked units in the -- at that residence. To
11 my knowledge, Officer Swanderski, who was going to be the
12 evidence tech, she had processed the scene the day before
13 also, and then Officer Bretz, who had been on the scene a
14 little bit before her, who was also an evidence tech.

15 Q Okay, so at least three other officers plus you three where
16 there's six cops at least, correct?

17 A Myself, Detective Molloy, Detective Hammond, at some point
18 in time I know Detective O'Neil and Detective Smith showed
19 up and I know at some point in time Officer Swanderski
20 showed up in uniform and Officer Bretz was there in uniform.

21 Q Okay, you're up to seven --(multiple speakers)--

22 A Correct, including myself.

23 Q Okay, and that was around 4:00 o'clock though, correct,
24 because that's when the doctor was asked to come back to the
25 house.

- 1 A Correct.
- 2 Q The search warrant was never even signed by a magistrate
- 3 until almost 7:00 o'clock, right?
- 4 A Correct.
- 5 Q Some three hours later?
- 6 A Correct.
- 7 Q So you had all these police officers on scene three hours
- 8 before the search warrant was going to be signed?
- 9 A (No audible response).
- 10 Q I'm just asking a question. If that's --(multiple
- 11 speakers)--
- 12 A I'm trying to -- again, roughly that amount of time, yes.
- 13 Q Okay. I mean, that's -- that's a fact. I mean, we can't
- 14 deny the fact that you talked to him for 40 minutes, it's
- 15 4:00 o'clock, the search warrant's not even signed til 6:47,
- 16 correct?
- 17 A Correct.
- 18 Q And you had at least seven officers securing the scene there
- 19 prior to the warrant being signed, right?
- 20 A Outside the residence, yes.
- 21 Q Okay. Well, you were inside the residence --(multiple
- 22 speakers)--
- 23 A Myself and Detective Molloy and Detective Hammond were
- 24 inside the residence.
- 25 Q At some point prior to coming into the house around 3:20 did

1 yourself, Hammond and Molloy have a conversation as to how
2 you were going to proceed with this interrogation of what
3 you claim to be the father, daughters and the son? How did
4 you -- how were you going to proceed by doing that? And I
5 believe you testified already you wanted to bring them back
6 to the Farmington Hills Police Department, correct?

7 A Correct.

8 Q But nonetheless, you still blocked the driveway with Bretz
9 at 3:20?

10 A Again, I'm not sure where Officer Bretz parked his vehicle.
11 I told him due to media concerns from yesterday and seeing
12 it on the news the night before, I said to park down at the
13 end of the residence and secure the residence, yes. So
14 where he parked I do not know.

15 Q And you used the word "secure the residence."

16 A Correct.

17 Q Do not let anybody in or out, fair to say?

18 A I -- no, obviously we let people out, we just let Doctor
19 Bassel go to pick up Aya.

20 Q You let him out only with a tail on his -- on a tail?

21 A I don't think there's anything wrong with that, yes, Sir, I
22 let him out, advised him that he was leaving to go pick up
23 his daughter and I advised two detectives to follow him.

24 Q Did you advise the doctor that he was being followed and --

25 A Of course not.

1 Q Just a question, man.

2 A Well, I mean, that seems like a simple question, but it's --

3 Q You never told him he was being followed or being -- under

4 surveillance or being technically detained by these

5 officers, not allowed to --

6 A He was not being detained.

7 Q Well, he was followed.

8 A He was free to go.

9 Q You consider him a suspect at that time?

10 A I don't know what he was at that time. Again, we don't know

11 who that person who tossed her out the window was.

12 Q When you went into the house at 3:20 you considered Muhammad

13 a suspect?

14 A No.

15 Q Did you talk to Detective O'Neil about this prior to going

16 into the house concerning him a suspect? Did you tell him

17 that?

18 A I don't recall if I did or not. I didn't have any

19 conversation with Detective O'Neil about that, I'm not sure.

20 Q Did she -- do you recall the fact that she testified at a

21 hearing here in this court building and said that you had

22 told him that she was -- he was a suspect prior to going to

23 the house?

24 A I do not know that, no.

25 Q Okay, and --

1 MR. SKRZYNSKI: Well, Judge, I mean --

2 THE WITNESS: At this point ----(multiple
3 speakers)--

4 THE COURT: Just a second, just a second.

5 MR. SKRZYNSKI: The question assumes a fact
6 not in evidence.

7 THE COURT: I don't believe I heard any
8 testimony from a Detective O'Neil.

9 MR. SCHIANO: Not yet, no.

10 THE COURT: Okay.

11 MR. SCHIANO: I just asked if he knew that,
12 that's all.

13 THE COURT: But you said it --

14 MR. SCHIANO: He was aware?

15 THE COURT: Okay, but you indicated in prior
16 testimony in this court and --

17 MR. SCHIANO: Not in this court, at another
18 court, another courtroom, if he was aware of --

19 THE COURT: Okay, that's not the way you --
20 that's not the way it sounded.

21 MR. SCHIANO: I thought that's what I said, I
22 apologize, Judge.

23 BY MR. SCHIANO:

24 Q Were you aware of her testimony in other courts where she
25 testified that you had told her that he was a suspect prior

1 to going to the house? Were you aware of that?

2 A I was not aware of any statements made by Detective O'Neil
3 in the prior court proceedings regarding this incident.

4 Q Did you ever tell her prior to going into the house that he
5 was a suspect?

6 A I'm sure I might have mentioned that it's a possibility he's
7 a suspect just like anybody else in that house is a suspect,
8 or anybody that had access to that house is a suspect.

9 Q When and where did you tell her that, if you recall?

10 A I'm not even saying I recall telling her that, I'm saying I
11 guess at the police station, I don't know.

12 Q Well, I mean, I assume from what you're telling me you were
13 the sergeant in charge here, correct?

14 A I'm the sergeant in charge of the detectives that are OIC in
15 this case, yes.

16 Q Okay, and so at some point you would have had to have, I
17 would assume as the sergeant in charge of a homicide
18 investigation, some type of communication with your
19 underlings as to who you were going to proceed in the house,
20 correct?

21 A Correct. There was conversation, it was not a set up
22 meeting where assignments were handed out. This is a very
23 fluid situation. People were in and out of the office,
24 we're talking on cell phones, we're doing all sorts of
25 stuff, so to answer your question, if I said that to her or

1 mentioned him as a suspect, where that took place, whether
2 it took -- over by phone or face to face or in passing in a
3 hallway, that I do not know.

4 Q The original plan as you walked into the house was to take
5 everyone back to the police station though, correct? That's
6 what you told Mr. Skrzynski?

7 A That's what we preferred to do, is take them back to the
8 police station so we could interview them there where we had
9 the recording equipment and everything already set up.

10 Q So when that fell through and Aya wasn't present and Sidra,
11 did you make a determination as to Sidra's ability to talk
12 to her at 3:00 o'clock or 3:20 that day?

13 A No, Sir, because again, Doctor Bassel had left and now I had
14 that conversation with him as to her -- have her -- I guess
15 her communication levels. I had heard before, and this is
16 from one of the other detectives, that she does communicate
17 but with new people it's very -- she's very shy. She
18 doesn't like talking to strangers, especially men, so that's
19 why I was gonna have that conversation with her father after
20 we interviewed Muhammad, after we interviewed Aya and to
21 determine what level of communication we could get from
22 Sidra.

23 Q Prior to entering into the house, the three of you, and you
24 indicated you came through the entryway where it says
25 diningroom entryway I take it?

1 A (Undecipherable)-- yes, Sir.

2 Q All right. Prior to coming in did you discuss who was gonna

3 tape record the conversations --(inaudible)?

4 A I believe -- I don't think we discussed it, I think

5 Detective Hammond just said that he was gonna use his phone

6 to record the conversation.

7 Q Okay, when was that discussed then? It had to be discussed

8 prior to going in the house I take it?

9 A In the apron of the driveway as they're walking towards the

10 front door.

11 Q Okay, so you're walking up but you just told this court that

12 you didn't know if it was gonna be transferred back to the

13 station house or staying there, so was it discussed at that

14 point or after you were told you weren't going back to the

15 station house?

16 A About recording the incident?

17 Q Yes, Sir.

18 A The recording device was turned on while we were standing in

19 the driveway of their residence as we approached the

20 residence on foot.

21 Q I take it this was a cell phone or some other --

22 A Yes, it was -- yeah, I forget what it's called --

23 (undecipherable).

24 Q Okay, so at some point as you're walking up you tell the --

25 Hammond to start recording at --

1 A I don't tell him to start recording, he tells me that he's
2 going to start recording.

3 Q Okay, and do you have a conversation with Bassel at any
4 point before he leaves where he indicates to you that he
5 wants an attorney present? Do you recall that conversation
6 at all?

7 A No, Sir.

8 Q Do you recall him after the fact when he gets back telling
9 you directly, "I told you I need an attorney, you didn't let
10 me get an attorney." Do you recall that conversation?

11 A I do not recall him phrasing it that way, no, Sir.

12 MR. SCHIANO: Judge, if I can just play that
13 for a second?

14 THE COURT: Sure.

15 MR. SCHIANO: I'm hoping this is loud enough
16 but we'll see what we can do here.

17 (At 11:21:53 a.m., audio tape commenced -
18 inaudible)

19 BY MR. SCHIANO:

20 Q Okay, I want to bring it closer to you because --

21 A Okay.

22 Q -- it's very low and so the Judge can hear it hopefully?
23 I'm just gonna back it up just a little bit here, okay?

24 (At 11:22:15 a.m., audio tape commenced)

25 BY MR. SCHIANO:

1 Q Okay, just -- you heard what he said there --

2 A Correct.

3 Q -- he said, "I told you at the beginning," he says this to

4 you, correct?

5 A That's Detective Molloy that he's talking to but I'm present

6 there, yes.

7 Q Okay, so he makes a comment to you officers, "I told you at

8 the beginning," he's referring to when you guys were first

9 in the house I take it, correct?

10 A I don't know where he's referring to.

11 Q Well, he says "in the beginning I told you I needed a

12 lawyer," and --(audio tape commenced-not recorded). Okay,

13 so the response to him saying, "I told you I needed an

14 attorney" was, "Oh, the timelines didn't match up"? That

15 was said by -- not by you, that sounds like Molloy.

16 A It was Hammond, actually, that just answered that question.

17 Q Oh, I'm sorry. Okay, I didn't even think that, but those

18 are -- that's a response to his -- the doctor's question

19 about I needed a lawyer, correct? That's what he said, at

20 least --

21 A That's what the doctor said, yes.

22 Q Okay, and I know I'm telling you that you're claiming he

23 never made a comment to you about needing a lawyer prior but

24 he tells you and Molloy and Hammond I'd asked for a lawyer

25 earlier, correct? That's what he says on the tape.

1 A That's what he says on the tape, correct.

2 Q (Audio tape commenced). Again, that's just some
3 conversation between Hammond and the doctor about how old --

4 A That was actually Detective Molloy.

5 Q I'm sorry. I'm gonna get these guys straight one --

6 A We'll figure it out.

7 Q You guys all look alike to me, so --(inaudible). All right,
8 so --

9 MR. HART: There goes the case.

10 BY MR. SCHIANO:

11 Q So putting it in context his comments to you three officers,
12 when he says to you three officers after the fact, after he
13 gets back to the house, "I told you at the beginning did I
14 need a lawyer," that's what he says to you, correct? It's
15 your testimony he never mentioned anything about a lawyer to
16 you folks when he was in the house earlier, is that your
17 testimony?

18 A Correct.

19 Q Okay. You said that you sent -- and correct me if I'm
20 wrong, either Molloy or Hammond out to get your cell phone
21 at some point when you were talking with Muhammad, is that
22 correct?

23 A Correct.

24 Q And were you in contact with Officers Bretz or Swendarski
25 (sic), the people that were in charge of the security aspect

1 of this whole search warrant idea during the 40 minute
2 period of time you talked to Muhammad?

3 A As in was I speaking with him? No, Sir.

4 Q Did you receive any text messages from them?

5 A No. The only message I remember getting is the conversation
6 that you hear on the tape of me answering my phone and
7 saying, "Okay, well send him on up." And that's when they
8 had advised me that Muhammad -- or Doctor Bassel had
9 returned to the residence.

10 Q What instructions did you give to Bretz or anybody at the
11 secure area of the driveway, what were your instructions to
12 them about allowing anybody back into the house?

13 A I told them that the doctor was -- refused our assistance in
14 picking up Aya, he was going to be leaving to go to the
15 library at 12 Mile near Farmington to pick up Aya and he was
16 gonna be returning with the daughter. At no time did I say
17 not to let him stay out there or not allow him back onto the
18 property.

19 Q Do you know how long he was outside on the driveway prior to
20 being let in?

21 A All's I know is I received a phone call stating he was
22 arrived and I said, "Send him on up."

23 Q Were you in contact with the two officers that you had
24 tailing him during the period of time that he was outside
25 the house?

1 A I don't recall any -- no, there's no phone calls, I don't
2 recall any text messages or anything like that, no, Sir.

3 Q Did they ever indicate to you at any time that he arrived
4 back at the scene after tailing him from the library back to
5 the house?

6 A Again, the first and only time I got any acknowledgment that
7 Doctor Bassel returned to the residence was when I received
8 a phone call and I said, "Send him up."

9 Q And in terms of officers, were you aware or made aware, I
10 take it based upon your testimony earlier, that you were not
11 made aware of when officers were arriving on scene then,
12 correct?

13 A Correct. When I went inside the residence the only officer
14 -- uniformed officer that was on the scene was Officer Jim
15 Bretz, Detective Molloy was on the scene and Detective
16 Hammond was on the scene. They had driven themselves. I
17 had driven myself and at some point in time Detective Smith
18 and O'Neil showed up. I'm not sure when they did. It might
19 have been right before the interview started or, I don't
20 know.

21 Q The bottom line was that you had somehow, prior to beginning
22 the interview though, made contact with these officers
23 indicating to them they needed to be there at some point to
24 do a search warrant even though a search warrant wasn't
25 signed yet, correct?

1 A Correct.

2 Q And you don't know what time they arrived, correct?

3 A Correct.

4 Q But they definitely arrived around 4:00 o'clock when Bassel

5 came back because there was at least three or four other

6 cops there --(multiple speakers)--

7 A Correct.

8 Q -- came back? Also, way prior to the search warrant being

9 signed I take it, correct?

10 A Correct.

11 Q You keep on talking about you guys are wearing these Polo

12 shirts with your outfits and your guns on the side, there's

13 definitely a bullet on the side of your waist with the gun,

14 right, did I get that right? You can't hide the fact that

15 you got a gun on your waist? I mean --

16 A I carry a smaller gun than say some of the other detectives

17 do, but if you knew what you were looking for, yes. Or, if

18 an officer was carrying a full size on duty gun that does

19 stick out a lot more.

20 Q So there's definitely something showing on the side of your

21 --

22 A Correct.

23 Q -- holster, correct?

24 A Correct.

25 Q And so I'm clear, when you are in the house you indicated

1 that you're looking for Muhammad, he's not downstairs at the
2 time and Bassel's calling for him and Sidra I take it?

3 A I wasn't looking for Muhammad, we wanted to speak with him
4 and Bassel wasn't sure where he was. He said he was in the
5 house.

6 Q You didn't let him go up by himself to get him, you followed
7 him up there, right?

8 A No, Sir. Again, like I explained earlier, I was -- we were
9 standing at the bottom of the stairway and he's like, I
10 think -- Bassel likes to talk with his hands, he's like, "I
11 think he's -- I think he's maybe upstairs in his room," like
12 that, so I mean, I don't know, you take this as, "Come with
13 me," or whatever, I just walked up the stairs with him. He
14 didn't ask me to and he didn't tell me not to, I didn't ask
15 if I could. I just walked up with him.

16 Q Well, you didn't have a warrant to be in the house, first of
17 all, correct?

18 A Correct.

19 Q And you just followed him up the stairs to the child's room,
20 correct?

21 A Correct.

22 Q And he then went down to Sidra's room, and on the map here
23 --(undecipherable)-- got it all up there, hers is down at
24 the end of the hallway, correct?

25 A It's the opposite end of where mom's was.

1 Q And you began to talk to him about this airsoft gun,
2 correct?

3 A Correct.

4 Q And I take it you are -- have been trained in the art of
5 taking statements from potential suspects?

6 A Again, I've taken one interrogation class and that was in
7 1997 or '08 I took the first class that Reed offers. Other
8 than that, it's just experience. I've never --

9 Q Have you read any articles about the Reed techniques,
10 etcetera?

11 A No, Sir.

12 Q Have you -- you took the one course I take it?

13 A Took the one course. I mean, my philosophy is, you talk to
14 people.

15 Q Right. Well, you begin talking to Muhammad and just trying
16 to get a -- basically about the airsoft gun, trying to make
17 him feel comfortable I take it, right?

18 A I just thought it was pretty cool airsoft gun, yeah.

19 Q So you threw that out and said my son's got one and then
20 y'all walked downstairs and sat down at the table I take it?

21 A Correct.

22 Q And was there ever a -- strike that. Are you aware of the
23 number of times you used the word "accident" to him in the
24 40 minutes?

25 A I did not count, no, Sir.

1 Q What about 25 times?

2 A Okay.

3 Q Sound familiar -- sound right? Did you ever use the word

4 "intentional act" or "murder" with him at any time during

5 that 40 minutes?

6 A I know I didn't use the word "murder." If I -- I may have

7 used the word "intentional," I'm not sure. I might have

8 said, if this was intentional, if this was an accident, but

9 I never accused anybody or told them that this was

10 intentional. I just advised that we had it on video and we

11 knew that it wasn't an accident.

12 Q And well, you used the word "accident" a number of times

13 though, right?

14 A According to you I used it 23 times.

15 Q Twenty-five.

16 A Twenty-five, I'm sorry. Sorry.

17 Q And so during those times you were suggesting to him that

18 this was an accident I take it, correct? That's what you

19 wanted him to say?

20 A I threw out the possibility of this being an accident, yes.

21 Q Did you ever make any promises to him of any type of

22 leniency with him?

23 A No, Sir. I did advise that --

24 Q Well, just hang on.

25 A Okay.

1 Q Hang on a second.

2 MR. SCHIANO: I don't know if you have an
3 extra transcript --(inaudible).

4 MR. SKRZYNSKI: Mm-hmm.

5 MR. SCHIANO: Just to give him an extra
6 transcript here.

7 MR. KEAST: May I --(inaudible)?

8 THE COURT: Yes.

9 THE WITNESS: Oh, sorry.

10 THE COURT: That's quite all right. We're
11 back to the transcript?

12 MR. SCHIANO: Briefly, Judge, yes. Thank
13 you.

14 THE COURT: Okay. No problem. Just wanted
15 to know.

16 BY MR. SCHIANO:

17 Q Actually, just before I get to the transcript I want you to
18 -- if you can just turn to page 13. Mr. Skrzynski asked you
19 if he complained of any medical problems, Sergeant, do you
20 recall him telling you on page 13, "On Sunday I had a pretty
21 bad ear infection, I couldn't really hear from one ear."
22 You remember him saying --

23 A Yes.

24 Q So he did tell you that he had a pretty bad ear infection?

25 A Yes, I stand corrected, he did say that he had ear infection

1 that day.

2 Q Did he tell you or did you ask him if he was taking any
3 medication for that ear infection?

4 A No, Sir.

5 Q So again, that's something that slipped your mind a little
6 bit about his -- one of his concerns or one of his issues he
7 was having on Sunday and Monday that day, correct?

8 A I'm not following --

9 Q Well, you said that he didn't complain of any injuries but
10 he did tell you he had a very severe ear infection.

11 A When -- I'm sorry, when you think of injury I'm thinking
12 broken bones, laceration, something like that. You're
13 correct, he did tell me about an ear infection. I just
14 don't consider that an injury.

15 Q Okay. At some point on page 19 you're questioning him about
16 -- we're trying to find out if it was something done by
17 accident, which accidents happen all the time, that doesn't
18 change anything if it was done for a purpose, it says, "Uh-
19 huh," that's what we're trying to find out, and then he
20 says, "Yeah, I don't want -- like I said, I don't want to
21 say anything about my sister but I mean, if it comes down to
22 it, then yeah, she was awake before me. That's all I have
23 to say." You remember him saying, "That's all I have to
24 say"?

25 A I'm sorry, you're on what page?

1 Q Eighteen into nineteen.

2 A Oh, I'm sorry, I thought you said 19.

3 Q When he says, "That's all I have to say," would you consider

4 that an invocation of his rights to remain silent at that

5 point?

6 A No, Sir, I would not.

7 Q But that's what he told you at that point, right?

8 A Correct, that's what the -- the statement says right here.

9 Q And that's before he makes any admissions about being in the

10 room or anything of that nature, correct?

11 A I would need to go through the rest of it to find out, but

12 if that's what you're saying.

13 Q The next big paragraph on the same page is where you begin

14 to talk to him about enhancing the video and sending it to

15 the New York -- New York, I'm sorry, the Michigan State

16 Police to be enhanced, correct?

17 A Correct.

18 Q And you're saying, "I'm not saying a lie, but if you're

19 saying something that's not truthful, even though you know

20 it's an accident, then we prove it wasn't, and actually, you

21 know, actions can look one of two ways, they can be looked

22 at as an accident or they can be looked as somebody did it

23 on purpose, and I would like to know if it was just an

24 accident." So again, you keep on throwing this accident to

25 him, correct?

1 A I keep putting that possibility out there, yes, Sir.

2 Q And again, the next paragraph, page 20, "I just want you to

3 say the truth, and if that -- if that cause -- if you been

4 saying is the truth and that's the truth, then that's fine,

5 I just don't want to prove something wrong down the line,"

6 and then, "okay," "Well, he didn't tell you he wasn't

7 truthful or that maybe it wasn't an accident, that's what

8 we're trying to figure out." You say that to him, correct?

9 A Correct.

10 Q Imploring him to be truthful to you more, correct?

11 A I'm imploring him to tell the truth is what I'm doing.

12 Q And you tell him that you shipped it out of state to enhance

13 it, correct?

14 A I'm sorry, what?

15 Q The next paragraph you tell him you shipped the video out of

16 state to enhance it, correct?

17 A I don't know if I said out -- oh, yep, out of state lab --

18 (undecipherable)-- blow it up, yes.

19 Q Page 22, did you ever make any promises to him of any type

20 of leniency here?

21 A No, Sir.

22 Q So when you say to him on the top of the page, "So let's get

23 out in front of this and let's say what it is so we can try

24 and help you out here, is that what happened?" So when you

25 say to him that you want to help him out here, that wouldn't

1 be leniency or trying to help him out of the situation by
2 saying we want to help you out?

3 A No, Sir. It would be to show the prosecutor, or if there is
4 going to be charges, that you're being Fort Worth --
5 forthwith and you're being helpful in this investigation.

6 Q Well, you're taught not to use that language, aren't you?
7 You're help out, those are words you're not supposed to use
8 when you're talking with a suspect?

9 A I've never heard that before in my life.

10 Q Because that would be considered a leniency of some sort,
11 wouldn't it?

12 A I --

13 MR. SKRZYNSKI: Well, objection --

14 THE WITNESS: -- mean, you might consider
15 that.

16 MR. SKRZYNSKI: Objection, that's a legal
17 conclusion. Again, the court makes that conclusion, not the
18 witness. He's not competent to make that legal conclusion.

19 MR. SCHIANO: I don't disagree with that.

20 THE COURT: Then let's move on.

21 BY MR. SCHIANO:

22 Q You go on and you implore him later on in that paragraph,
23 page 22, "Come on, Muhammad, you're almost there, just tell
24 us what happened, did she slip on the ladder or what was she
25 doing? You know, you don't -- you didn't remember all that

1 stuff before," you say that to him again, right?

2 A Correct.

3 Q And then you go on and continue to say, "Well, I'm sure it
4 wasn't because of you, I mean, accidents happen. Accidents
5 happen all the time. That's what we want to do, I want -- I
6 don't want to see you getting in trouble for us proving that
7 you were not being truthful, so that's why I want you to
8 tell us what happened now." Again, you're imploring him and
9 telling him you're trying to help him out, that's what
10 you're trying to suggest to him, correct?

11 A And I'm also letting him know that if he's not being
12 truthful he's going to be in trouble.

13 Q At that point you still haven't told him about what you saw
14 in the video though, correct? Specifically.

15 A No, I had not gone into specifics about --(undecipherable).

16 Q When you talked about the fact that he went and got water,
17 he asked permission if he can go get a water while you were
18 interviewing him, isn't that a fair statement? It's not in
19 the transcript though. Didn't he ask you if he --

20 A I -- I don't recall if he asked permission or not. Whenever
21 he got up on his volition, went to the kitchen counter, got
22 a bottle of water, help up one, like anybody else wanted
23 one, came and sat back down.

24 Q And when he went to ask to go to the restroom you had
25 actually told him to leave the door open and an officer

1 watched him while he used the restroom, isn't that a fair
2 statement?

3 A No, I did not do that.

4 Q The door wasn't left open?

5 A I didn't watch him go to the bathroom, I don't know --

6 Q Did you instruct one of your officers to go with him?

7 A Not to my knowledge, no, Sir.

8 MR. SCHIANO: If I can just have --

9 (inaudible)?

10 BY MR. SCHIANO:

11 Q You never told the defendant that he was free to go at any
12 time, or leave the room where you sat around the kitchen
13 table there, did you, or the diningroom table?

14 A I never said that he couldn't, I never said that he could.

15 Q You never advised him of any Miranda warnings I take it --

16 A Correct.

17 Q You never told him anything about -- when you first sat down
18 at least, about the video that you had seen, you waited
19 until a third or two-thirds of the way through the interview
20 process I take it, correct?

21 A I'm not exactly how far along, but yes, I did not tell him
22 immediately.

23 Q All right, and you never told him he was being recorded on
24 there, correct?

25 A Correct.

1 Q And in terms of his ability to walk up and go -- leave that
2 room, the only people in the house were you three officers
3 and his sister at the time you're testifying, right?

4 A I didn't search the entire residence, we did not go through
5 every room. I had taken Doctor Bassel's word for it that
6 the only people inside the house were Muhammad, Sidra and
7 himself, and he left, so I'm assuming that Sidra and myself,
8 the two detectives and Muhammad were the only people in the
9 residence.

10 Q Wouldn't it be a fair statement to say then, Sergeant, that
11 it was your intention not to leave that house that day when
12 you arrived at 3:20 until you searched the house?

13 A You are correct in saying I was not gonna leave that house
14 until we got the search warrant signed and back and we
15 searched the residence.

16 Q Even though the search warrant wasn't signed until 6:47 you
17 weren't leaving there until you searched the house that day,
18 correct?

19 A Correct. We were gonna secure the house until the search
20 warrant was either signed or denied.

21 Q And technically, according to you at least, you secured the
22 house when you got there when you told Bretz not to let
23 anybody in --(inaudible)?

24 A I told -- no, we didn't secure the house. I said secure the
25 driveway, one, for press, for media, we didn't want -- and

1 to let them know also that there are police officers on the
2 scene here, and also, yes, we were going to secure this
3 house when we get the search warrant, secure this house for
4 a search.

5 Q Okay, so in terms of securing the house though, when you got
6 there at 3:20 and you told Bretz not to let anybody down the
7 driveway, that was your intent, to make sure no one came
8 down that driveway and no one came in that house, correct,
9 because you were searching the house?

10 A I did not say down the driveway. I told him that the father
11 was leaving and he was gonna be coming back. I told --
12 (undecipherable)-- uniformed presence, I had him posted at
13 the end of the driveway.

14 Q And --

15 A I did not give him any instructions on allowing people in or
16 out other than the press.

17 Q Okay. And you had also had made arrangements for all these
18 other officers to arrive there sometime later on that
19 afternoon, correct?

20 A At some point in time I advised my detectives that we will
21 be executing a search warrant after it gets signed and that
22 it would not -- they would not be going home at 4:30 in the
23 afternoon.

24 Q Okay, but they arrived -- again, it's so unclear, I'm just a
25 little confused about your time table here, they arrived

1 there at 4:00 o'clock even though --(multiple speakers)--

2 A There were two detectives that had arrived there by that

3 time, yes. The rest of the --(multiple speakers)--

4 detectives did not show up til later.

5 Q Even though --(multiple speakers)-- warrant wasn't signed at

6 6:47, okay?

7 A Correct.

8 Q And matter of fact, some of the information that's contained

9 in the warrant was derived from that 40 minute confrontation

10 you had with Muhammad at the house I take it, correct?

11 A Again, it wasn't a 40 minute conversation with Muhammad, and

12 yes, some information was forwarded from -- that was

13 garnered from the interview to Detective Gerrick for the

14 search warrant.

15 Q Who informed him of that?

16 A That, I'm not sure of. I believe it was Detective Molloy or

17 Detective Molloy.

18 Q Somebody that was in the room relayed that information to

19 the person that was writing the search warrant?

20 A Correct.

21 Q Okay. When Bassel left the house around 3:20 you had told

22 him, and correct me if I'm wrong, that you had told him that

23 you wanted to, I'm just quoting --(undecipherable)-- "We're

24 just trying to nail down the times and anything that might

25 not think is big, they might not think is big, something she

1 might have said or something like that, or wasn't feeling
2 well or stuff like that." Page 3, fourth line down. That's
3 you I take it, correct?

4 A I believe so, yes, Sir.

5 Q And again, a couple par -- sentences above that you say,
6 "Yeah, if you want to go, if you want to head up to the
7 library and pick him up, and ah," remember saying that?

8 A Correct.

9 Q Okay, that's what you told him to do?

10 A I didn't tell him to do anything. I offered to go pick his
11 daughter up for him. He said he wanted to go pick up his
12 daughter, I said, "You want to go, go, it's up to you."

13 Q And you were aware of the distance between the house and the
14 library, correct?

15 A Correct.

16 Q And what do you think it was?

17 A I guess it would depend on which way it went, if you took
18 Halsted, if you took Drake, those roads are approximately a
19 mile apart, it's situated in the middle of that, so -- and
20 Halsted, Drake, Farmington, probably about four miles.

21 Q Okay. About four miles away so round trip, eight miles
22 tops?

23 A Again, I'm -- sure. Ball park.

24 Q I mean, you've been --

25 A Yeah. Of course I've worked there --

1 Q You work there. I mean --

2 A I don't measure distances from businesses to houses. I'm
3 trying to guess it by the mile roads.

4 Q Okay.

5 A Three to four miles.

6 Q So -- and you're telling this court that he didn't get back
7 to the scene until approximately 40 minutes later?

8 MR. SKRZYNSKI: Well, objection, I don't
9 think he's telling this court anything like that. That's
10 not his testimony.

11 BY MR. SCHIANO:

12 Q You received a phone call from someone saying the doctor's
13 back, is that correct?

14 A Correct.

15 Q And it's your testimony that's the first you heard that he
16 was back on the scene from anybody was at that point,
17 correct?

18 A Correct.

19 Q And that's when you say, "Let him back in"?

20 A I think I said, "Send him on up," or something like that.
21 I'm not sure what my exact wording was.

22 Q Well, would that be assuming the fact that when you say to
23 send him back up that he was being held up there and not
24 being left back in then I take it, right? When you say,
25 "Send him up," I'm assuming you're giving permission for

1 this person to come down the driveway then, when you say,
2 "Send him up."
3 A I'm being informed that he's back and it was kinda like,
4 what do you want us to do with him? "Send him on up."
5 Q But would that assume fact -- and correct me, I'm not trying
6 to be smart here, but when you say, "Send him up," that
7 would assume the fact that he's being held up at the
8 driveway and not being let back in just yet, right?
9 A It would to me indicate that they have -- or have notified
10 me that he's arrived. Whether he's sitting in his car
11 waiting for them to move a police car, whether he's driving
12 up the driveway, as they say, I don't know, I'm not there.
13 Q We're talking sorta semantics, aren't we, Sergeant? If he's
14 being told -- being told by you, to okay, send him up,
15 that's after -- they're asking your permission to send him
16 up though I take it, correct? You're in charge I take it,
17 right?
18 A I am in charge.
19 Q They didn't ask Molloy or Hammond to do that?
20 A No, Sir, they did not. They asked me.
21 Q They didn't ask Judge Anderson to do it there?
22 A They informed me hew as here and I said, "Send him on up."
23 Q Send him on up.
24 A They didn't say he's here and we're holding him, they said
25 he's here, "Send him up."

1 Q Only after getting permission from you did they allow him to
2 come back up.

3 A I assume -- he could have been driving up the driveway for
4 all I know. I wasn't there. I'm letting them know what --
5 the information I got and I said, "Send him on up."

6 Q Send him on up. What were your specific instructions to
7 Bretz then? Tell me what they were.

8 A Again, they are -- the story had already been on the news,
9 there had already been media reports --

10 Q That's not what I asked you. I asked you a very specific
11 question, what were your instructions to Bretz that day when
12 you walked in --

13 MR. SKRZYNSKI: Object. This is, in fact --

14 BY MR. SCHIANO:

15 Q -- the house at 3:00 o'clock?

16 MR. SKRZYNSKI: -- this is not the first time
17 he's been asking these questions, so this question's
18 actually been asked and answered. Objection.

19 MR. SCHIANO: Judge, he's been --

20 THE COURT: A number of times.

21 MR. SCHIANO: What's that?

22 THE COURT: The question has been asked and
23 answered --(multiple speakers)--

24 MR. SCHIANO: Well, Judge, I'm just trying to

25 --

1 THE COURT: -- a number of times.
 2 MR. SCHIANO: -- clarify this one point here,
 3 this one point where he's trying to say to send him up. It
 4 would be clearly indicative of the fact that someone was
 5 being held at a position where he's being told, okay, you
 6 can send him up. Someone's being asking permission to send
 7 someone through a driveway? I'm just asking what his
 8 instructions were to Bretz. If he's not -- doesn't want to
 9 tell me, that's fine, but clearly, when he -- his response
 10 was --

11 THE COURT: Are we having argument now?

12 MR. SCHIANO: No, Judge, I'm not gonna argue,
 13 I'm just saying, it's clearly --

14 THE COURT: No, I'm just saying that
 15 basically what you're telling me is what you'd like for him
 16 to testify to and I am saying you've already asked that
 17 question a number of times --(multiple speakers)--

18 MR. SCHIANO: I don't think he's --

19 THE COURT: -- and he's answered it.

20 MR. SCHIANO: -- answered it. I don't think
 21 he's answered it at all, Judge. It's a very specific
 22 question, what were your instructions to Bretz?

23 THE COURT: Well, you have --

24 MR. SKRZYNSKI: I think that was asked and
 25 answered.

1 THE COURT: -- asked that question before --

2 MR. SCHIANO: What's that?

3 THE COURT: You have asked that question.

4 MR. SCHIANO: I don't think I've got an
5 answer though, Judge, quite frankly.

6 THE COURT: He has answered it. He told you
7 what he instructed the officer to do.

8 MR. SCHIANO: Judge, he instructed me that he
9 said that there was media exposure and that he indicated to
10 him to park in the driveway. I'm asking him the question
11 again did he instruct anybody -- allow anybody to come down
12 the driveway or not, that's all, and that's why I'm asking
13 him why would he respond, "Send him up," unless there was
14 instruction to hold people at the end of the driveway.
15 That's all. It's very sim -- it's very --

16 THE COURT: Well, if you want to ask him why
17 he used those particular words, go ahead, I'll let you ask
18 him that and he can answer that.

19 BY MR. SCHIANO:

20 Q Why would you use -- why would you use the words, "Send him
21 up" when someone calls you to say the doctor has arrived?

22 A In normal conversation, I'm not really sure what the meaning
23 you're thinking that it has. What else could I possibly
24 say? They're advising me that he's here, should I say,
25 "Escort him up," should I say, "Allow him to dance up"? I'm

1 not sure, "Let him on up." I --

2 Q It's his house. It's his house, isn't it?

3 A Correct. I don't have anything to hide. Send him on up.

4 That's why I said, "Send him on up." Really, I don't know

5 why you're asking me this.

6 Q Well no, it's a very simple question.

7 A Not you, I mean, the officer. Like, they're informing him

8 that he's here, okay, let him on up. What else could I

9 possibly say in that situation that wouldn't sound like --

10 Q I'm just asking you if you can tell me if there was an

11 instruction by you at the time you arrived not to allow

12 anybody back into the driveway or not, yes or no?

13 A No.

14 Q Okay.

15 A Except for media.

16 Q You were already there.

17 A I'm sorry?

18 Q You were already there I take it, right? You were already

19 in the house, there's nobody gonna let you up that driveway,

20 right? Is that what you're saying?

21 A I said to keep an eye out for media --

22 Q Media, I'm sorry, I thought you said you.

23 A Oh, no, Sir, media. I'm sorry, that southern accent.

24 Q I misunderstood what you said.

25 MR. SCHIANO: If I can have one moment,

1 Judge?

2 THE COURT: Certainly.

3 MR. SCHIANO: Thank you, that's all I have,

4 Judge.

5 REDIRECT EXAMINATION

6 BY MR. SKRZYNSKI:

7 Q Detective Wehby, can you look at page 25? The very last
8 line on page 25.

9 A Yes, Sir.

10 Q And you're detective 2, right?

11 A Correct.

12 Q Isn't it true that when you got the word that they were
13 there you said, "Okay, they're coming in, that's fine, all
14 right"? Isn't that what you said?

15 A Yes, Sir.

16 Q So you didn't say, "Send them up," you didn't say --

17 A Again, I --

18 Q -- anybody, you just said, "They're come in, that's fine,
19 all right." That's what you said?

20 A Correct.

21 THE COURT: Is that a different page 25 than
22 what I have?

23 MR. SKRZYNSKI: Is it -- is it on your copy?
24 That's -- Judge, I'm talking about our exhibit. I don't
25 know which --

1 THE COURT: Oh, okay. All right, which has

2 --

3 MR. SKRZYNSKI: -- we'll have to give him
4 another transcript.

5 THE COURT: -- more than what was transcribed
6 here, because on page 45 --

7 MR. SKRZYNSKI: Can I approach -- (inaudible)?

8 THE COURT: Sure.

9 MR. HART: Could I approach too, Judge? I'm
10 not sure we're all working off the same transcript.

11 MR. SCHIANO: Right.

12 THE COURT: You can all approach. I've got
13 nothing to hide. Here's the -- here's the transcript that
14 you provided to me before the hearings.

15 MR. SKRZYNSKI: Okay. Oh, okay.

16 (Inaudible)-- no, it's right there, Judge. The very last
17 line.

18 MR. HART: Yeah, but it's different on mine.

19 MR. SKRZYNSKI: That's the discovery page.
20 That's not the exhibit.

21 MR. HART: No.

22 MR. SKRZYNSKI: Yeah, no, this is the
23 discovery that I gave you --

24 MR. HART: I understand, but it says 25 of
25 the transcript.

1 MR. SKRZYNSKI: I'm saying it's different on
2 that page as it is on the transcript.

3 THE COURT: On the transcript here that he
4 provided prior to. I have --(inaudible)-- thank you. I
5 must have been looking at the wrong page, I apologize.

6 MR. SKRZYNSKI: That's fine, Judge. I do
7 that all the time.

8 THE COURT: Okay.

9 BY MR. SKRZYNSKI:

10 Q All right. I'm just glad to be able to walk around the
11 table for a minute. So that's what you heard him say (ph)?

12 A Yes, Sir.

13 Q Okay. And as a matter of fact, I mean, everything you're
14 saying about what you actually said, that's to the best of
15 your memory, correct?

16 A Correct.

17 Q It would be more accurately reflected in the disk itself
18 that records what you actually said, right?

19 A Yes, Sir.

20 Q Okay. All right, let's go back and --(inaudible). Was it
21 unusual to have so many police officers on the scene before
22 executing a search warrant?

23 A No, Sir.

24 Q Why not?

25 A Well, for scene security, scene safety, officer safety,

1 especially due to the size and magnitude of this residence.
2 I mean, it's -- and it took a long time. I mean, to execute
3 a search warrant on 7,000 square feet of house that you've
4 never been in before, never, you know, we were looking for
5 evidence, so I mean, it's -- we got to go through the whole
6 house.

7 Q Okay. At that point when you go to that house are you
8 thinking you are going to a crime scene now?

9 A Yes.

10 Q Okay, at this point, after having seen the video?

11 A Correct.

12 Q Okay. Okay. Did you see Detective Smith or O'Neil actually
13 arrive?

14 A I do not recall them arriving.

15 Q Okay, so you -- when you say they arrived at -- it's your
16 estimate because you didn't see them?

17 A Correct.

18 Q Okay, you didn't see anybody else arrive after you got in
19 the house, right?

20 A After I went inside, that's correct.

21 Q Okay. Were your -- was your gun or Molloy's gun or
22 Hammond's gun actually visible?

23 A No, Sir.

24 Q Okay. You said some people carry larger guns, those guns
25 may be visible, right?

1 A There's -- they would make a bigger bulge under a shirt.

2 Q Yeah.

3 A Mine's fairly -- I carry a small one and it's more
4 concealed. It'd be hard to detect under a shirt whereas
5 another one you would -- you'd see something there but if
6 you didn't know it was a gun you might not know it's a gun.

7 Q But --

8 A Could be a cell phone, could be anything.

9 Q Either Molloy nor Hammond have guns that are huge that would
10 be detectible as bulges?

11 MR. SCHIANO: Objection, Judge --

12 BY MR. SKRZYNSKI:

13 Q Or do they?

14 MR. SCHIANO: -- he's testifying here.

15 THE COURT: Let --

16 MR. SKRZYNSKI: Oh, I'm sorry. I'm sorry, I
17 don't want to do that.

18 MR. SCHIANO: You just did, that's hearsay.

19 BY MR. SKRZYNSKI:

20 Q What do their guns look like?

21 A Detective Molloy's gun I know is a full framed weapon, it's
22 larger than mine. Detective Hammond, I believe, has the
23 same size as I do. So Detective Molloy's gun is larger than
24 mine.

25 Q Were those guns visible?

1 A The gun themselves were not visible. Would there have been
2 a bulge on Detective Molloy bigger than any bulge on my
3 side? Probably, but --(inaudible)-- exact measurement.
4 Q But you didn't -- did you see any part of the gun --
5 (multiple speakers)--
6 A No, Sir, I did not see any part of anybody's weapon.
7 Q All right. Now, you testified that the defendant mentioned
8 to you that he had an ear infection, is that correct?
9 A Correct.
10 Q All right. On page -- would you go to page 13 of the
11 exhibit? At about halfway down the page, it's one of the
12 entries where MA speaks. Do you see that about halfway --
13 A Yes, Sir.
14 Q And it says, "Yeah, the thing is, on Sunday, on Sunday I had
15 a pretty bad ear infection." That's what he actually says,
16 right?
17 A Correct.
18 Q Okay. Did he indicate to you he still had the infection on
19 that day?
20 A No, Sir.
21 Q Was there any indication to you that he did have an
22 infection?
23 A No, Sir.
24 Q So he's telling you about something that happened in the
25 past?

1 A Correct.

2 Q Okay. Can I direct your attention to page 19 of the
3 exhibit? And at the very top of the page 19 where Muhammad
4 is speaking, he says, "Yeah, I don't wanna -- like I said, I
5 don't wanna say anything about my sister, but I mean, if it
6 comes down to it, then yeah, she was awake before me.
7 That's all I have to say." I mean, that's all he -- did it
8 appear to you she was saying that's all I have to say about
9 Aya?

10 A I took that as he was trying to imply that Aya -- if there's
11 --(undecipherable)-- an accident Aya might have had
12 something to do with it.

13 Q Okay, and that's all he's gonna say about that.

14 A Like he didn't want to say anything about his sister, she
15 was up before me, I can't speak for her.

16 Q And it wasn't like he was stopping the questioning?

17 MR. SCHIANO: Judge, I'm gonna object.

18 BY MR. SKRZYNSKI:

19 Q Was he stopping --

20 MR. SCHIANO: This is something that this
21 court can interpret what he says, not the officer.

22 MR. SKRZYNSKI: Okay.

23 THE COURT: Thank you, let's proceed.

24 BY MR. SKRZYNSKI:

25 Q Okay, on page 20 of the exhibit, was that -- that's the

1 place where you told him that Mr. Schiano said that -- or
2 from the video, but we -- it starts about a third of the way
3 down the -- down the page, it's you speaking, it start --
4 the line starts with ellipses, "from the picture," do you
5 see that?

6 A Mm-hmm.

7 Q "From the picture." "From the picture or from the video,
8 but we have to slow it down to get a snapshot of it and
9 that's what MSP's doing right now. We got it shipped out to
10 the state lab and they're gonna blow it up and it's gonna
11 show who was there." You said that, correct?

12 A Correct.

13 Q And then a short time later when the defendant spoke he
14 said, "Yeah, I mean, I don't know, I really -- it's just
15 confusing right now. I don't -- I just need to think about
16 this, to be honest." That's the first time he ever said
17 that, right?

18 A This is the part when you had asked me earlier about did I
19 notice a change in him.

20 Q Yes.

21 A It's almost like defeated, the wind went out of him. It was
22 kinda like oh -- like his first thing is, he needs to think
23 about -- he needs to think about -- think about it now,
24 like, uh oh, I got to come up with something that's, you
25 know --

1 Q And that's because -- or that's right after you said they're
2 gonna blow it up and it's gonna show who was there.

3 A Correct.

4 Q Who was there.

5 A Correct.

6 Q And that's when he suddenly starts thinking about it?

7 A Correct.

8 Q Okay. All right, the part that Mr. Schiano asked you about,
9 if an officer accompanied him to the bathroom and told him
10 to keep the bathroom door open, if that happened that would
11 have been after the interview was over?

12 A Correct. That was after the interview was over.

13 Q Okay. And after the interview was over it was at that point
14 your intention to arrest the defendant?

15 A Again, I had stepped outside of the residence while the
16 defendant was sitting unrestrained on his -- on the couch, he
17 had moved from the table to the couch. There was -- I was
18 informed by my superiors what was going on and actually, I
19 think somebody even asked me if they wanted him secured
20 right then and there and I was concerned about Aya being in
21 the house and seeing her brother cuffed up at that point in
22 time and I had stepped out of the house, so I think that the
23 point when he went to the restroom was during this time. I
24 don't recall him asking to go to the restroom to me and
25 telling somebody to keep the door open and stand there.

- 1 Q Okay.
- 2 A I don't recall that. I'm not saying it didn't happen, I
3 just don't recall.
- 4 Q But that wouldn't have happened during the interview?
- 5 A No, Sir, it was not during the interview.
- 6 Q After the interview was it your intention to arrest the
7 defendant?
- 8 A Yes, Sir.
- 9 Q Okay. So after the interview was over, for all intents and
10 purposes, was he at that point in custody?
- 11 A He was not leaving out of our sight at that point in time.
12 Could I have put the cuffs on him? Yes, I could, but again,
13 it's a situation with Aya being inside the residence I
14 didn't want to -- you know, she's going through a lot, she's
15 lost her mom, now her brother's being handcuffed. I didn't
16 want to do that right in front of her. I didn't
17 particularly see Muhammad as a threat. There were enough
18 officers inside the residence at this time, other detectives
19 that were there that him sitting on the couch with three or
20 four officers in that general area that we would be fine.
- 21 Q Okay. You said that information was transmitted by someone
22 to Detective Gerrick to include into the search warrant
23 affidavit?
- 24 A Correct.
- 25 Q Was that during -- done during the interview?

1 A I'm not sure exactly when it was done. I would assume it
2 was done during the interview, that maybe either Detective
3 Molloy or Detective Hammond had been texting.

4 MR. SCHIANO: Judge, I'm just gonna object.
5 He doesn't know, he can't speculate.

6 MR. SKRZYNSKI: All right, don't speculate.

7 THE COURT: If you don't know, just --

8 THE WITNESS: I don't know how he got the
9 information.

10 MR. SKRZYNSKI: Okay. Thank you, I have
11 nothing further.

12 MR. SCHIANO: Just going back for a second.

13 RECROSS-EXAMINATION

14 BY MR. SKRZYNSKI:

15 Q Let's go back to when you made these comments to Muhammad
16 about sending it off to the state to be examined. It wasn't
17 sent out to the state at that point, was it?

18 A No, Sir.

19 Q So you were lying to him about that, right?

20 A Yes, Sir.

21 Q In the same paragraph you tell him --

22 THE COURT: Well, wait a minute, wait a
23 minute.

24 MR. SCHIANO: Page 20.

25 THE COURT: No, I know, but when you said --

1 are you talking about him sending -- him saying that they
2 sent it to the Michigan State Police?

3 MR. SCHIANO: Right. (Undecipherable).

4 THE COURT: Not that they sent it out of
5 state?

6 MR. SCHIANO: Yeah, I made a mistake.

7 THE COURT: Okay, just want to --

8 MR. SCHIANO: Yeah.

9 BY MR. SCHIANO:

10 Q That was a lie when you told him he had sent it out already,
11 it wasn't sent out already I take it, right?

12 A Correct. The video or DVR had not been sent out yet.

13 Q Okay. And in the same paragraph you suggest to him, in
14 quotes, you say, "Shit, I didn't hold the ladder good
15 enough, or something like that, I turned around and looked
16 at my phone, I was supposed to be holding the ladder," and
17 that's what you suggest to him at that point, correct?

18 A Correct.

19 Q And eventually that's what he tells you, right?

20 A Correct.

21 Q So it's something that he said that was suggested by you on
22 page 20, correct?

23 A Something I know that wasn't true I suggested and he latched
24 onto it, yes.

25 Q So he latched onto something you had told him to say, right?

1 A No, I didn't tell him to say anything. I told him to tell
2 the truth.

3 Q Well, you said --

4 A He latched on to a scenario that I threw out there. I
5 didn't tell him to say anything.

6 Q Well, the scenario that was suggested to him was that --
7 from you at least, "Shit, I didn't hold onto the ladder good
8 enough, or something like that, I turned around and looked
9 at my phone, I was supposed to be holding the ladder and she
10 fell." You suggested that to him at some point?

11 A I threw -- I threw that out, that possibility out there,
12 yes.

13 Q And that's what he told you?

14 A And that's what he agreed to --(multiple speakers)--

15 Q After a number of times where you keep on telling him, "Just
16 be truthful, just be truthful, just be truthful, tell us the
17 truth," correct?

18 A Correct.

19 Q And you suggest the scenario that he eventually tells you
20 down a couple pages later, correct?

21 A I suggested a scenario of an accident of him not holding a
22 ladder and he latched onto it.

23 Q And just going back to the security issue that Mr. -- you
24 just talked to Mr. Skrzynski about in terms of the house,
25 there was no search warrant in place until 10 minutes to

1 7:00, right?

2 A The search warrant was signed at 6:57 I think it was.

3 Q Okay, 6:47.

4 A 47.

5 Q So you have all these police officers there without a search

6 warrant, correct?

7 A Correct.

8 Q In the house, outside the house, correct?

9 A Correct.

10 Q Okay, you had no warrants to be in the house, correct?

11 A No, Sir.

12 Q Okay, and you said that you needed all these officers

13 because it's a big house, correct?

14 A Correct.

15 Q Well, you were all in the house the day before for two

16 hours, at least two hours without the family there searching

17 the house, correct?

18 A No, Sir, we were not searching the house, we went through

19 the house, we're not opening drawers, opening closets or

20 anything like that, no, Sir.

21 Q You went through every room though, didn't you?

22 A I -- actually, I didn't enter every room. There was a

23 couple rooms in the basement that were missed. I was in

24 every room on the first floor and second floor as far as

25 stepping into the room.

1 Q Okay, but not just yourself the day before, you had a number
2 of other officers in the house with you going through the
3 house room by room I take it, correct?

4 A I can't speak for the other officers as to what rooms they
5 all went to. I know there was officers in the room with the
6 window where she got thrown out and I know there was
7 officers in her master bedroom and I know there were
8 officers on the patio. As far as where else other evidence
9 techs might have taken pictures or gone, that, I do not
10 know.

11 Q You went in the basement, correct? You --

12 A I --(multiple speakers)-- basement, yes.

13 Q You wen to the first floor, correct?

14 A Yes, Sir.

15 Q And you went to the second floor.

16 A Correct.

17 Q All right. So you hid every floor at least in the house
18 when you were there the day before?

19 A I was on every floor inside the residence the day before,
20 yes.

21 Q And it's fair to say that you consider -- or you would
22 consider the house in fairly pristine condition when you
23 looked at the house the day before?

24 A Except for the kids --(undecipherable).

25 Q That's normal.

1 A The kids.

2 Q Right?

3 A Yes, Sir.

4 Q All right, thank you.

5 MR. SCHIANO: That's all I have.

6 REDIRECT EXAMINATION

7 BY MR. SKRZYNSKI:

8 Q Just going back to page 20 again. The place that where you
9 suggest the scenario about holding the ladder and --
10 (undecipherable-paper shuffling)-- should have been holding
11 the ladder and he didn't, okay, that comes right after you
12 tell him you're gonna get the video blown up and you're
13 gonna see who's in there?

14 A Correct.

15 Q And then you suggest that scenario and then he repeats that
16 scenario you said?

17 A He never said holding the ladder, he said, "Watching the
18 ladder," but I assume he meant the same thing.

19 Q Right. But that's after you tell him we're gonna -- we're
20 gonna get this blown up and we're gonna see --(multiple
21 speakers)--

22 A It's gonna show --

23 Q -- who's actually in there?

24 A -- who's in the room. Correct.

25 Q Yeah, and that's when he changes his story?

1 A Correct.

2 MR. SKRZYNSKI: Thank you, I have nothing
3 further.

4 RECROSS-EXAMINATION

5 BY MR. SCHIANO:

6 Q So you told him that you were gonna blow up his shadow and
7 that's for sure was gonna identify who was in the room? Is
8 that what you told him?

9 A I --

10 MR. SKRZYNSKI: Well, Judge --

11 THE WITNESS: -- I mean, that's exactly what
12 I told him.

13 MR. SKRZYNSKI: -- the transcript speaks for
14 itself.

15 MR. SCHIANO: I'm just asking if that's what
16 you said, that's all.

17 THE WITNESS: It's what's on the video.

18 THE COURT: You mean his testimony just now?

19 MR. SCHIANO: Yeah.

20 THE COURT: Yeah, all right. Go ahead,
21 answer it.

22 THE WITNESS: I said, "From the picture from
23 the video we have to slow it down to get a snapshot of it
24 and that's what MSP's doing right now. We got it shipped
25 out to the state lab and they're gonna blow it up and it's

1 gonna show who was there."

2 MR. SCHIANO: Thank you, that's all I have.

3 Thank you.

4 MR. SKRZYNSKI: I have nothing further.

5 THE COURT: Thank you, you may step down.

6 THE WITNESS: Thank you.

7 (At 12:07:17 p.m., witness excused)

8 MR. SKRZYNSKI: Thank you, your Honor.

9 If I just may confer with him for a second?

10 THE COURT: Sure.

11 MR. SKRZYNSKI: Judge, we're gonna have three

12 more witnesses.

13 THE COURT: How many?

14 MR. SKRZYNSKI: Three.

15 THE COURT: Three?

16 MR. SKRZYNSKI: Yes, Officer Bretz, Officer

17 Swanderski and Detective O'Neil.

18 THE COURT: Okay.

19 MR. SCHIANO: One possible.

20 THE COURT: One possible?

21 MR. SKRZYNSKI: So I think if we're gonna --

22 if the court wanted to take a lunch break probably be a good

23 time.

24 THE COURT: I think this is a good time to

25 break and then we'll come back. How -- this is a ridiculous

1 question but I'm gonna ask it anyways --

2 MR. SKRZYNSKI: How long?

3 THE COURT: -- how long do you antic -- and
4 if you tell me brief --

5 MR. SKRZYNSKI: I think, Judge --

6 THE COURT: -- I'll know it's not gonna be
7 brief.

8 MR. SKRZYNSKI: -- if we come back at 1:00
9 o'clock we will probably fill the rest of the afternoon. I
10 mean, assume -- well, maybe not --(undecipherable)-- on his
11 face. I'm not gonna be asking the questions so maybe that
12 would help too.

13 MR. SCHIANO: I think that would help a lot,
14 Judge, no offense --(undecipherable).

15 MR. KEAST: The next three witnesses are
16 briefer than the last.

17 THE COURT: There's that word, "brief" from
18 an attorney.

19 MR. HART: Famous last words.

20 THE COURT: It never works that way.

21 MR. SKRZYNSKI: He didn't say that.

22 THE COURT: Okay. All right. Okay, how
23 about if we come back at ten after 1:00 and we will continue
24 on.

25 MR. SKRZYNSKI: Very well, your Honor. Thank

1 you.

2 (At 12:08:50 p.m., hearing recessed)

3 (At 1:20:35 p.m., hearing resumed)

4 THE CLERK: Your Honor, recalling People

5 versus Al-Tantawi, case number 2017-265355-FJ.

6 MR. KEAST: Good afternoon, Marc Keast on

7 behalf of the People. Mr. Skrzynski is here as well, Judge.

8 MR. SCHIANO: Michael Schiano on behalf of

9 defendant.

10 MR. HART: Marc Hart on behalf of Mr. Al-

11 Tantawi.

12 MR. KEAST: Judge, I can proceed with the

13 next witness if the court's ready?

14 THE COURT: Yes, you may.

15 MR. KEAST: Thank you. Officer Bretz.

16 THE CLERK: Sir, please raise your right

17 hand. Do you solemnly swear to tell the truth, the whole

18 truth and nothing but the truth?

19 MR. BRETZ: I do.

20 JAMES BRETZ

21 (At 1:21:05 p.m., witness sworn, testified as follows):

22 THE CLERK: Okay. The door pulls toward you,

23 just watch your step.

24 THE WITNESS: Good afternoon, your Honor.

25 THE COURT: Good afternoon.

1 THE CLERK: You may be seated.

2 THE COURT: And Officer, I'm going to ask
3 that you keep your voice up, we are recording.

4 THE WITNESS: Yes, your Honor.

5 THE COURT: Thank you.

6 MR. KEAST: May I proceed, Judge?

7 THE COURT: Yes, you may.

8 DIRECT EXAMINATION

9 BY MR. KEAST:

10 Q Sir, when you're ready could you please state and spell your
11 full name for the record?

12 A Officer James Bretz, B-R-E-T-Z.

13 Q And how are you employed, Sir?

14 A City of Farmington Hills Police Officer.

15 Q How long you been a police officer?

16 A Since 1997.

17 Q Okay. So we're looking at about 21 years or so?

18 A Correct.

19 Q What's your -- what's your current assignment?

20 A Currently, I'm assigned to the patrol division.

21 Q And in the patrol division do you have any specific duties?

22 A I respond to --(inaudible-coughing)-- runs.

23 Q I'm sorry?

24 A Daily runs for service, calls for service.

25 Q Okay. Tell us -- in the Farmington Hills Police Department

1 what does an evidence tech do?

2 A Collection of evidence at crime scenes.

3 Q Okay, are you also an evidence tech?

4 A I am.

5 Q Okay, and how long you been an evidence tech for Farmington

6 Hills?

7 A Approximately six years.

8 Q Six years?

9 A Yes.

10 Q All right. I'd like to direct your attention to August the

11 22nd, 2017. On that date do you recall what shift you were

12 working?

13 A I would have been working the day shift.

14 Q The day shift?

15 A Yes, that's correct.

16 Q If you can keep your voice up a little louder?

17 A Yes, Sir.

18 Q What are the hours of the day shift?

19 A 7:00 a.m. to 3:00 p.m.

20 Q Okay. Now, during the afternoon hours towards the end of

21 your shift were you directed towards 36933 Howard in

22 Farmington Hills?

23 A I was.

24 Q And do you recall what time you were dispatched to that

25 location?

- 1 A I don't recall the exact time that I was dispatched there.
- 2 Q Okay, and tell us please, under what circumstances were you
3 sent to that house?
- 4 A I was directed to assist the investigator section with their
5 assignment there, their work --(inaudible).
- 6 Q Okay. Were you told specifically what they were doing
7 there?
- 8 A It's my understanding that they were going to be conducting
9 follow up interviews and that there was a potential that
10 possibly a search warrant was going to be executed.
- 11 Q Okay, and so at this point in time what was your role?
- 12 A I was assigned as a patrol officer to assist, it's a uniform
13 presence at the time of a search warrant and then also with
14 the collection of evidence.
- 15 Q Okay. And you're in a full uniform?
- 16 A I was.
- 17 Q And are you in a marked car?
- 18 A I was.
- 19 Q What type of vehicle were you driving?
- 20 A It's a Ford Explorer.
- 21 Q Okay, fully marked?
- 22 A Fully marked, yes.
- 23 Q Okay. When you arrived at the Howard Street address who
24 else was there?
- 25 A There was a host of detectives there. I know that we were

1 directed to see Sergeant Wehby at the scene.

2 Q Okay, and did you see Detective Wehby?

3 A I spoke with him prior to arriving at the scene.

4 Q Okay, and where was that?

5 A We spoke at the station. I was directed by my command
6 officers in the uniform division to assist the investigator
7 section. I talked briefly with Sergeant Wehby, indicated
8 that they were going to be going to interview some people
9 from the day before.

10 Q Okay, so back at the station you were directed by your
11 supervisor to speak with the investigative section and
12 that's Sergeant Wehby specifically?

13 A Correct. Correct.

14 Q All right. And is it Sergeant Wehby that directed you to
15 the Howard Street address?

16 A He did.

17 Q Okay. And is it Sergeant Wehby that told you what your
18 precise role was at that point in time?

19 A At that point we were just to be in the area but not visible
20 at that time.

21 Q Okay, and did you actually arrive at that location?

22 A I did.

23 Q Where did you go when you arrived?

24 A I parked just across the street and I believe just a little
25 bit east of there, there's a driveway that I parked in.

1 MR. KEAST: May I approach the witness?

2 THE COURT: Yes, you may.

3 BY MR. KEAST:

4 Q Sir, this is a laser pointer. Up on the map there there's
5 People's 17.

6 MR. KEAST: It has been stipulated to, Judge,
7 but I don't believe it's been moved into evidence. At this
8 point the People would move to admit 17 into evidence.

9 (At 1:24:34 p.m., People's Exhibit 17 is
10 offered)

11 MR. SCHIANO: No objection.

12 THE COURT: It's admitted.

13 (At 1:24:37 p.m., People's Exhibit 17 is
14 admitted)

15 MR. KEAST: Thank you.

16 BY MR. KEAST:

17 Q So, Sir, this map depicts an aerial view of that Howard
18 address I referenced --

19 A Correct.

20 Q -- and if you could use the laser pointer to point right at
21 the house? Okay, thank you. And that long driveway --

22 MR. KEAST: May he move about the courtroom,
23 Judge? May he move about the --

24 THE COURT: Pardon me? Oh, yes, you may.

25 MR. KEAST: -- court? Thank you.

1 THE COURT: Mm-hmm.

2 BY MR. KEAST:

3 Q And this long address -- I'm sorry, this long driveway
4 connects the address to Howard Street, is that correct?

5 A That's correct.

6 Q Okay. If you could please, please show the court where you
7 parked when you initially arrived on the scene.

8 A Actually, it's just out of the -- off the -- if you go just
9 -- it's a little further down Howard Road here.

10 Q Okay.

11 A So the driveway I was in is on the opposite side of the
12 street, it's just not on there.

13 Q Gotcha. Okay. And when you arrived on scene were there any
14 other marked units there?

15 A I don't recall if it was there or not yet, but Officer
16 Swanderski was to meet me there.

17 Q Okay. At some point in time were you notified that a
18 civilian, that is, Doctor Bassel Al-Tantawi, was going to
19 leave the address at 36933 Howard?

20 A I was advised of that.

21 Q Okay. Did you actually see that happen?

22 A I did not.

23 Q Now --

24 A Not to my knowledge.

25 Q Okay. At some point in time did you and Officer Swanderski

1 actually move from the street to the driveway?

2 A We did.

3 Q All right, and approximately how long after you arrived did

4 you do that?

5 A I don't recall specifically. Could have been 20 minutes

6 estimation. I don't recall though.

7 Q Where did you and Officer Swanderski park when you did that?

8 A At that time there was -- when we were advised that Mister,

9 is it Al-Tantawi?

10 Q Yes.

11 A He was leaving, I believe there was two detectives that had

12 been present at the driveway and we were directed to replace

13 them there.

14 Q Okay. And so both your vehicles moved to the driveway?

15 A Correct.

16 Q All right. Now, as you and Officer Swanderski were at the

17 driveway did a vehicle attempt to pull in the driveway?

18 A It did.

19 Q All right, tell us about that please.

20 A We were there, again, directed back to the driveway. It's

21 typical with any scene that was involved as a crime scene

22 that we would provide security at those scenes.

23 Q Okay, so if you're asked to be -- I think you stated

24 perimeter security by an investigator --

25 A Yes.

1 Q -- does that also include not letting anyone just in or out
2 as they see fit?

3 A It would, yes.

4 Q Okay, so as a matter of course did you stop that vehicle?

5 A We did.

6 Q All right, and tell us about that please.

7 A At that time we stopped the vehicle as it was entering the
8 driveway, the gentleman driving the vehicle indicated that
9 he was the father of -- his son was in the home and that I
10 believe the defendant, he indicated that he wanted to get in
11 to speak with him.

12 Q Okay, now did you speak with that individual or was Officer
13 Swanderski speaking with that person?

14 A I think we were both at some point speaking with him, but I
15 think Officer Swanderski had the primary conversation with
16 him.

17 Q Okay. Tell us what happened next.

18 A At that point I was unfamiliar with him or anyone in the
19 family at that point. That was my first time at the
20 residence there. At that point I was in contact with
21 Sergeant Wehby, I needed to contact him as I was familiar
22 with who it was and whether he should be allowed in.

23 Q Okay, and why did you want to have contact with Sergeant
24 Wehby?

25 A He was the highest ranking officer on the scene.

- 1 Q Okay, but why wouldn't you just let someone drive up the
2 driveway if you're there for perimeter security?
- 3 A Again, I wasn't familiar with who he was and he indicated
4 that he was the young man's father, but I didn't have
5 knowledge of that person at all.
- 6 Q Okay. Tell us about that conversation you had with Sergeant
7 Wehby.
- 8 A I was able to reach him on his cell phone and I just advised
9 him of the circumstances and he directed us --(inaudible).
- 10 Q I'm sorry?
- 11 A He directed us into the house.
- 12 Q Okay. So after you hung up with Sergeant Wehby's house,
13 what happened next?
- 14 A We went back and advised Mr. Al-Tantawi that we were going
15 to accompany him to the house and Sergeant Wehby would be
16 waiting there for him.
- 17 Q Okay. So when you say accompanying him to the house, what
18 exactly does that mean?
- 19 A We all drove separate vehicles up to the house. I drove
20 mine and Officer Swanderski in hers and Mr. Al-Tantawi in
21 his.
- 22 Q Now, prior to that stop at the end of the driveway were you
23 instructed by Sergeant Wehby or any other investigator to
24 detain Dr. Bassel Al-Tantawi?
- 25 A I was not.

1 Q Were you instructed by anyone on the scene to prevent that
2 person from approaching the home?

3 A I was not.

4 Q When you actually did, excuse me, speak with Mr. Al-Tantawi
5 was he removed from the vehicle and searched?

6 A He was not.

7 Q Was the vehicle searched?

8 A It was not.

9 Q Okay. If you could tell us approximately how long the
10 entire interaction lasted between yourself, Officer
11 Swanderski and Mr. Al-Tantawi.

12 A It was a matter of a couple of minutes from his arrival,
13 again, and I wasn't familiar with who he was or whether he
14 should be permitted into the scene. He had made a phone
15 call, if I recall, to his attorneys and at that time I was
16 trying to reach Sergeant Wehby.

17 Q When you say trying to reach Sergeant Wehby, were you able
18 to reach him the first time?

19 A I don't recall specifically.

20 Q Okay. Did you follow Mr. Al-Tantawi into the home or were
21 you in front of him?

22 A I don't recall the position of the vehicles. I believe I
23 would have probably been in front of him because our
24 vehicles were blocking passage into the driveway.

25 Q Okay, and did you walk with Mr. Al-Tantawi from the vehicle

1 into the house?

2 A Not with him, but I think we all kinda arrived at the same
3 time and walked in together.

4 Q Do you recall how you actually got in the home, which store
5 you used?

6 A I entered a door which faces the street. Not the main door,
7 it's off of a foyer or mud room that attaches to the garage,
8 a stairwell and a half bathroom.

9 Q Okay, and did -- what did you see when you walked inside?

10 A At that time there was no one in the home when I walked in,
11 into that foyer area where we walked in. And that's -- at
12 some point, I don't recall if it was in that room or into
13 the adjacent dining room, but Sergeant Wehby met with Mr.
14 Al-Tantawi.

15 Q Okay. Was that your extent of your involvement with Mr. Al-
16 Tantawi that day?

17 A I believe it was at that time.

18 Q All right.

19 MR. KEAST: May I have one moment, your
20 Honor? Thank you, nothing further.

21 CROSS-EXAMINATION

22 BY MR. SCHIANO:

23 Q Officer Bretz, good afternoon, Sir.

24 A Good afternoon.

25 Q You indicated that you had this conversation with your

1 supervisor that they needed assistance with the
2 investigative section some time in the afternoon of the 22nd
3 I take it, correct?
4 A That's correct.
5 Q And you talked to Sergeant Wehby, correct, at the station?
6 A Correct.
7 Q And you followed him over to the Howard Road address,
8 correct?
9 A I did not know if -- it's a lot of traffic at that time, I
10 don't know if we caravanned there or if we just met up there
11 or how it happened.
12 Q Fair to say you all arrived approximately the same --
13 A Approximately the same time.
14 Q -- time?
15 A Yes, Sir.
16 Q And he directed you to do what then, Sir?
17 A At that point we were going to be uniformed presence in the
18 event that they obtained a search warrant we were to be not
19 visible at the time.
20 Q Did he tell you anything about the media being involved and
21 wanting to keep media out of the house at all?
22 A We did have media contact there. There were media that were
23 trying to get up the driveway.
24 Q That day?
25 A I don't -- I know that day, yes, that was the only day that

1 I was there.

2 Q Okay, but I'm saying that day around 3:20 when you arrived
3 there was there media there?

4 A I don't recall if they were there at that point. I know
5 that they were up the neighbor's driveway directly east at
6 one point speaking with the resident there so that they
7 could get video of the home.

8 Q So using your pointer, you said you were --

9 A Just off --

10 Q Off the screen there, thank you.

11 A Off grid.

12 Q You -- you indicated that Swendarski (sic) was there at some
13 point too, correct?

14 A Correct.

15 Q What kind of car was she driving?

16 A She was driving a fully marked patrol vehicle as well.

17 Q Okay, and at some point you never see the doctor leave the
18 driveway you said, correct?

19 A I did not see him leave. I was not in view of the driveway
20 where I was at.

21 Q And do you recall what time that was?

22 A I don't recall specifically.

23 Q Do you recall how long it was when you got the phone call
24 that he was leaving til when he returned back?

25 A I believe it was radio traffic that they were leaving and

1 the detectives were leaving with him.

2 Q So somebody was following him?

3 A As far as I know.

4 Q Okay, do you --

5 A I don't know their actions, I can't -- I can't...

6 Q Okay, but the two detectives that were in the driveway that

7 you replaced --

8 A Correct.

9 Q -- were they the detectives that were going to follow him to

10 the -- wherever he was going?

11 A As far as I would understand. I would guess -- that's

12 typically what would happen.

13 Q Okay. Were you able to witness or see these cars leave, not

14 the doctor's but the police cars he talked about?

15 A I don't recall if they did or not. As I said, I was in

16 another driveway.

17 Q But maybe I'm confused with your testimony because you

18 indicated that once the detectives' cars left that driveway

19 you replaced then Ms. Swendarski (sic), is that what I heard

20 you say?

21 A We did, but I don't know that I ever saw them leave. Again,

22 we received radio traffic.

23 Q Was it your understanding that those detectives

24 were blocking the driveway at that time to?

25 A That's my understanding, is that they were there as

1 perimeter security.

2 Q As perimeter. So to the best of your knowledge at least,

3 you and Swajowski (ph) were there and two detectives were

4 there and at least three other detectives were inside the

5 house at that time talking with whoever was in the house?

6 A Correct.

7 Q Okay, anybody else you see enter the house at that time

8 between 3:20 and 4:00 o'clock? (Multiple speakers)--

9 A I guess that time frame for me is -- I'm unclear as to -- is

10 that -- are you saying Mr. Al-Tantawi was there or after he

11 left and came back?

12 Q Well, you never saw him leave you said, correct?

13 A I did not see him physically leave. Obviously, I did see

14 him come back.

15 Q Okay, so you heard the radio traffic of him when he was

16 exiting and when the two detectives left you replaced them

17 sort of immediately I take it, correct?

18 A Correct.

19 Q That was your role to be there?

20 A Correct.

21 Q Stop -- and what was your instructions from Sergeant Weeby

22 (ph) at that time?

23 A At that time we were just -- again, initially we were told

24 not to be visible as they wanted a low presence.

25 Q It's pretty tough not to be not visible in a police car on a

1 dirt road on a side street, right?

2 A It's a pretty wooded area and I was, again, off the beaten

3 path, so.

4 Q But it's still a wooded dirt road I take it?

5 A It's still -- yes, it is a dirt road.

6 Q So you weren't going to be able to hide anywhere if someone

7 was driving down the street I take it, right?

8 A I was in a driveway.

9 Q Not you personally, I'm not talking --(undecipherable)--

10 here, but your view in your police car is not gonna hide

11 anywhere I take it, correct?

12 A I was in a driveway backed off the road, so.

13 Q Okay. And where was Swendarski (ph)?

14 A That, I can't address.

15 Q But once the detectives leave you assumed this role of

16 blocking that driveway, is that correct?

17 A We did take over perimeters.

18 Q What was your instruction specifically by whoever the powers

19 might be to do at that point?

20 A I don't think there was any direction that came down. It's

21 just typical when we're at a crime scene if there's

22 perimeter security and it's -- then they leave, then

23 somebody else would replace them.

24 Q So what was your understanding then of being perimeter

25 security of the place, what were you supposed to do?

1 A Typically, we control the entry and exit of the scene,
2 whoever's coming in or out.
3 Q So in other words, you would prevent people from coming down
4 the driveway, correct?
5 A Not necessarily prevent them from going down the driveway.
6 Q But you didn't allow anybody to go in, did you?
7 A I did, I allowed Mr. Al-Tantawi to go in.
8 Q That's only after you gave -- someone gave you permission at
9 that point?
10 A Correct.
11 Q Okay, so let me just ask you this question about this
12 attorney call that you had. All right, at some point the
13 doctor comes and he talks to you and Swendarski (ph) and
14 says, "Hey, I want to get back in my house," correct?
15 A He did.
16 Q And did he say that to you directly or so Swendarski (ph)?
17 A I don't recall, they were both present.
18 Q Okay, and at some point you folks had determined who he was
19 I take it, right?
20 A Correct.
21 Q And that's where you tried to call Wehby, correct?
22 A I did.
23 Q Did Swendarski (ph) try to call Wehby (ph)?
24 A That, I don't know.
25 Q The doctor then calls this attorney up and hands the phone

1 to one of you to and says, "Hey, my attorneys on the phone,
2 stop talking to my child," correct?

3 A I don't recall if I talked to an attorney that day. I think
4 I was trying to reach Sergeant Wehby.

5 Q But you heard the conversation between the doctor and
6 Swendarski (ph), didn't you?

7 A I didn't hear the full conversation, I was trying to reach
8 Sergeant Wehby.

9 Q I thought you testified a few minutes ago you had this
10 attorney call that you knew about?

11 A It's my understanding that Mr. Al-Tantawi called. I did not
12 listen to his conversation.

13 Q Okay, but you were aware of the fact that he called in your
14 presence is what I'm asking you, is that fair?

15 A He did call while he was at -- allegedly at the base of the
16 driveway. I don't know who he called.

17 Q Okay, but did he hand the phone to either yourself or
18 Swendarski (ph) who then called the officers inside the
19 house?

20 A I don't recall having the phone handed to me. Like I said,
21 he may have been, Swanderski --

22 Q Okay.

23 A -- but I was trying to reach Sergeant Wehby.

24 Q Okay, and the only way you could contact Wehby was through a
25 cell phone?

- 1 A By phone.
- 2 Q And you said you tried calling him a few times and couldn't
- 3 get a hold of him?
- 4 A I did not say that. I don't recall if I did. I know at
- 5 some point I reached him via cell phone.
- 6 Q Okay, do you know how long that took before you were able to
- 7 make contact with him when you're saying you had a tough
- 8 time getting a hold of him?
- 9 A The whole exchange was a matter of a couple of minutes.
- 10 Q So you held him, the doctor, at the base of the driveway for
- 11 at least a few minutes until you got in contact with your
- 12 superiors, correct?
- 13 A A few minutes would be accurate.
- 14 Q Okay. And then when you got in contact with him you
- 15 escorted him to his house, correct?
- 16 A We did.
- 17 Q And you escorted him from his car into the house, correct?
- 18 A We all walked and met at the door I guess as we entered.
- 19 Q Okay, but it was you and Swendarski (ph) and the doctor, all
- 20 three of you together walking to -- he wasn't allowed to go
- 21 in his house by himself I take it?
- 22 A No, no, Sir.
- 23 Q So you were security enough to walk him from the car to the
- 24 house, right?
- 25 A Yes, Sir.

1 Q And I apologize, I know we sort of talked time lines here, I
2 know it's been a while since this happened, but how long
3 were you actually outside in the driveway, in the driveway
4 this time, not hiding in the side driveway, but in the
5 driveway at Howard before he showed back up there, if you
6 recall?

7 A I don't recall specifically.

8 Q You mean 10 minutes, 20 minutes?

9 A Fifteen, twenty minutes maybe. I don't recall specifically.

10 Q It wasn't an hour, was it?

11 A It was not an hour.

12 Q It wasn't a half hour, was it?

13 A Not to my knowledge.

14 Q And it wasn't like five minutes I take it, right?

15 A It was more than five minutes.

16 MR. SCHIANO: Thank you, that's all I have,
17 Judge. Thank you very much.

18 MR. KEAST: I have nothing further for this
19 witness, Judge.

20 THE COURT: Thank you. You may step down.

21 THE WITNESS: Thank you, your Honor.

22 (At 1:38:56 p.m., witness excused)

23 THE WITNESS: I apologize to the --
24 (inaudible).

25 THE COURT: I know, it's --

1 THE WITNESS: -- but I'm --(inaudible).

2 THE COURT: No, with all of your equipment it
3 makes it difficult.

4 MR. KEAST: May Officer Bretz be released,
5 Judge?

6 THE COURT: Unless there's a reason --

7 MR. SCHIANO: (Inaudible).

8 THE COURT: Yes, he may.

9 THE WITNESS: Thank you, your Honor.

10 MR. KEAST: Next witness is Stacy Swanderski.

11 THE CLERK: Ma'am, please remain standing and
12 raise your right hand. Do you solemnly swear to tell the
13 truth, the whole truth and nothing but the truth?

14 MS. SWANDERSKI: Yes, I do.

15 STACY SWANDERSKI

16 (At 1:39:42 p.m., witness sworn, testified as follows):

17 THE CLERK: You may be seated.

18 THE WITNESS: Thank you.

19 MR. KEAST: May I proceed?

20 THE COURT: Yes, you may.

21 DIRECT EXAMINATION

22 BY MR. KEAST:

23 Q Ms. Buderedi (ph) could you please state and spell your full
24 name for the record?

25 A Stacy Swanderski, S-T-A-C-Y, Swanderski is S-W-A-N-D-E-R-S-

1 K-I.

2 Q Thank you. And it's true, Miss, that you were recently
3 retired from the Farmington Hills Police Department?

4 A Yes, I am.

5 Q And how long did you serve their?

6 A Twenty-nine years.

7 Q All right, and when was your date of retirement?

8 A July 23rd, 2018.

9 Q Well, congratulations to you.

10 A Thank you.

11 Q Now, in those years at the Farmington Hills Police
12 Department what assignments were you working --(inaudible)?

13 A From back in 1989 I was hired as a police cadet, served as a
14 cadet for four years, was then promoted to officer, the
15 first 11 years worked patrol, a number of different
16 capacities of operations, the road in itself. Then spent
17 just under 10 years as a detective, special victim crimes,
18 child abuse cases, domestics. I'm also an arson
19 investigator. Then rotated back out. Finished off my
20 career as a field training officer on the road and road
21 patrol.

22 Q All right. Now, is it true also that you were and evidence
23 tech?

24 A Yes, I'm sorry, I was also an evidence tech, range
25 instructor --(undecipherable)-- instructor, a number of

1 different...

2 Q Okay, thank you. And I'd like to direct your attention back
3 to August the 22nd, 2017. Do you recall what shift you are
4 working?

5 A I was working days.

6 Q Okay, and that ends at 3:00 p.m.?

7 A 7:00 in the morning until 3:00.

8 Q All right, now do you recall a time towards the end of your
9 shift where you were called back to the Farmington Hills
10 Police Department?

11 A Yes. Actually, I can remember exactly, it was about 20
12 minutes to 3:00, was westbound 12 Mile just east of Orchard
13 Lake Road, received a radio call to call the front desk. I
14 did so, I was advised to come into the desk to be advised on
15 some further action pertaining to the case.

16 Q Okay. Now, when you arrived back at the station tell us
17 what happened.

18 A At that time I was advised to go back into the Detective
19 Bureau where I was then -- I spoke briefly with a few of the
20 detectives in charge of the case. Also, Sergeant Wehby,
21 myself and Officer Bretz were assigned out too, so I was
22 held over from my regular shift and then sent out to the
23 Howard Street address to provide some additional security.

24 Q Okay, and when you say additional security, what do you mean
25 by that?

1 A We were sent out there -- bottom line, at that point I was
2 under -- I was briefed on the fact that there was some
3 additional information that was developing and that they
4 were seeking out a search warrant at that time. Myself and
5 Officer Bretz were assigned to scene security.

6 Q Okay, and did you actually arrive at that 36933 Howard
7 address in Farmington Hills?

8 A I did.

9 Q And when you first pulled up to the address tell us -- well,
10 first of all, did you ever -- at that point in time did you
11 drive up the driveway to the house?

12 A No. Prior -- I mean arriving there --

13 Q When you first arrived there.

14 A When I first arrived there I was -- I was not directly on
15 the scene. I was just -- if I recall I was just east of the
16 scene down the road, Howard, which it runs east and west
17 between Halsted and Drake area.

18 Q Okay. Now, were you there alone or with somebody else?

19 A No, I was in my own car. I was in my own --

20 Q Were there any other marked units in the area?

21 A The only other marked unit that I knew that was en route was
22 Officer Bretz, but we drove separate.

23 Q Okay. Did you arrive first?

24 A No, I don't be -- I mean, to say I was -- I believe he
25 actually technically arrived first. I was also loading up

1 some additional evidence collection equipment that we keep
2 in our evidence tech lab, so.

3 Q Okay. Now at some point in time did you move from your
4 position on Howard to the driveway of 36933 Howard?

5 A Yes.

6 Q Okay, and approximately how long after you arrived in the
7 area did you move to that position?

8 A It was within a few minutes. I mean, maybe five minutes, if
9 that.

10 Q All right, and tell us why the decision to move from Howard
11 to the driveway?

12 A Well, at that time I was -- I was under the -- I don't want
13 to say knowledge or assumption, I was told to stay out of
14 sight of the address until I later learned Mr. -- I'm sorry,
15 I'm gonna mispronounce it.

16 THE COURT: Al-Tantawi.

17 THE WITNESS: Correct.

18 THE COURT: Al-Tantawi.

19 THE WITNESS: Left the scene to go pick up
20 his daughter.

21 BY MR. KEAST:

22 Q Okay, and did you actually see Mr. Al-Tantawi drive away
23 from the --

24 A I don't recall seeing him drive away, honestly.

25 Q All right. So you're on scene for a few minutes on Howard

1 Street, kinda parked out of view, is that correct?

2 A Correct.

3 Q Okay, at some point in time you and Officer Bretz both move

4 your vehicles to the driveway?

5 A Yes.

6 Q All right, and approximately how long after you had been

7 parked in the driveway did anyone come back to the address?

8 A Approximately 20 minutes.

9 Q All right. And did you know who that person was as they

10 drove up?

11 A I was under the assumption it was Mr. Atanawi (sic), and I

12 --

13 Q Mr. Al-Tantawi?

14 A Can I -- A-Tantawi (sic), I apologize. I should know better

15 with my last name. So at that point I made contact, did

16 confirm, in fact, it was.

17 Q Okay, and tell us exactly what do you mean by made contact

18 with --(inaudible)?

19 A Well, I mean, bottom line, our first objective was scene

20 security. I had a vehicle drive up, I wanted to make sure

21 that it is who it is supposed to be.

22 Q Okay.

23 A An attorney identified that, in fact, it was, and at that

24 time advised Sergeant Wehby. And Officer Bretz, I believe

25 actually, Officer Bretz was the one who advised Sergeant

1 Wehby.

2 Q Okay. If you could, tell us exactly what you remember from
3 -- let me back up a little bit. You and Officer Bretz were
4 both in your individual police cars?

5 A Correct.

6 Q Okay, and you were in that position when Mr. Al-Tantawi
7 returned to the home?

8 A Yes.

9 Q Did you exit your police cars?

10 A Yes. We were door-to-door. I mean, so the driveway in
11 itself was pretty lengthy. I mean, we're talking at least
12 75 yards if I could guesstimate. We're at the bottom of the
13 driveway right there where it meets Howard Street. I recall
14 he returned from the west, so --

15 Q "He" being Mr. Al-Tantawi?

16 A Correct.

17 Q Okay.

18 A Can I call him by his first name?

19 Q Bassel?

20 A Bassel. Yes, I apologize. Bassel returned. I remember him
21 coming from the Halsted side of Howard, pulled up, I got out
22 of the vehicle. It's an officer safety thing, I'm not gonna
23 allow somebody to roll up in a -- you know, in a non-
24 identifier, again, be caught inside my car.

25 Q Okay, and so tell us about the conversation.

1 A Just real brief, I had just identified that he had returned,
2 I believe his daughter was in the back seat, if I can
3 recall, very informal kinda conversation. I remember the
4 vehicle being really in disarray. I mean, it was pretty
5 messy, there was a lot of, I don't want to say junk mail,
6 but a lot of mail, a lot of --it was littered with paper and
7 just some mental notes I took.

8 Q Now, when you spoke with Bassel did you have him exit the
9 vehicle?

10 A No.

11 Q Okay, did you attempt to search him, his person, or the
12 vehicle?

13 A No.

14 Q Were you given any specific instructions to prevent him from
15 returning to the home?

16 A No, not to prevent. I was to advise -- we were -- myself,
17 meaning myself and Officer Bretz were to advise if anybody
18 was -- prior to allowing anybody coming up that driveway
19 because it was scene security, we were to advise Sergeant
20 Wehby.

21 Q Okay, but you weren't given any specific direction to
22 prevent Mr. Al-Tantawi to come to the home?

23 A No. No.

24 Q All right, and did you do anything to delay Mr. Al-Tantawi
25 from returning to the home?

1 A No, not to delay. As soon, as I indicated, I had to contact
2 Sergeant Wehby before we allowed him to proceed up the
3 driveway.
4 Q Do you recall if you contacted Sergeant Wehby or if it was
5 Officer Bretz?
6 A You know, I want to say that it was Officer Bretz, I -- I
7 believe it was Officer Bretz.
8 Q Okay, and tell us, was Officer Bretz having a conversation
9 on the telephone in your presence or was he somewhere else
10 --(multiple speakers)?
11 A Yes, I mean, he was within earshot. I mean, this is all
12 within the area right at the foot of the driveway.
13 Q Okay. And at some point in time did you learn that you were
14 to move out of Mr. Al-Tantawi's way?
15 A I'm sorry, to?
16 Q At some point in time did you learn that you were to move
17 out of Mr. Al-Tantawi's way? Basically let --
18 A We were to allow him to proceed --
19 Q Okay.
20 A -- up the driveway to the home.
21 Q And tell us what happened next please.
22 A Well, at that point then myself and Officer Bretz then
23 proceeded to escort and stay with him. Again, it's -- it's
24 an officer safety issue, in my opinion too, I have somebody
25 that just rolled up on the scene, I -- as I indicated, we're

1 not -- I'm not searching him, I'm not searching his vehicle,
2 we're -- (multiple speakers) --

3 Q Now, describe his -- Bassel's demeanor at that point.

4 A He was -- I would call him normal demeanor, not -- there was
5 nothing exceptional about it.

6 Q Okay. And did you and Mr. -- I'm sorry, you and Officer
7 Bretz, I take it you had to move your vehicles to allow Mr.
8 Al-Tantawi to proceed?

9 A Yes.

10 Q Okay, and was one vehicle in front of him and the other
11 vehicle behind?

12 A Yes, because at that point we were car-to-car, so meaning
13 door-to-door, one's facing one direction, one's facing the
14 other direction. So in regards to who was first and second,
15 I really -- I can't remember. We proceeded together as --

16 Q Okay.

17 A -- as we normally would anyhow.

18 Q When the three vehicles arrived at the actual home did you
19 see if Mr. Al-Tantawi exited the vehicle?

20 A Yes, he exited his vehicle and then we all walked up to the
21 house together.

22 Q Was he prevented in any way from going inside the home?

23 A Not at all.

24 Q You know, I'm not sure if I asked you this, if you could put
25 a time frame on the entire encounter you had at the end of

1 the driveway with Mr. Al-Tantawi?

2 A The time frame with him?

3 Q With Bassel, yes.

4 A With Bassel I would say at the very most 10 minutes.

5 Q Okay.

6 A Very most.

7 MR. KEAST: Thank you, nothing further.

8 CROSS-EXAMINATION

9 BY MR. SCHIANO:

10 Q Officer, you were pretty specific 2:40 you get this phone
11 call, right? Can you tell us, that's a pretty specific time

12 --

13 A I remember because it's towards the end of the shift and we
14 were heading in for the afternoon. I was, at that point,
15 heading towards -- heading back to the station to fuel,
16 unload, and I thought my day was over, to be honest.

17 Q So you get this call to come back into the station and you
18 are briefed by Sergeant Wehby and other individuals --

19 A You know, other --

20 Q -- as to what your -- your role's gonna be over at Howard
21 Road, right?

22 A Correct.

23 Q Your role was gonna be scene security, correct?

24 A Correct.

25 Q And to stay out of sight somehow, correct?

1 A Initially. We were not to report right to the scene.

2 Q Okay.

3 A To the ----(multiple speakers).

4 Q Really, it's tough to stay out of sight --

5 MR. SCHIANO: And if I can just approach this

6 map, Judge?

7 THE COURT: Yes.

8 BY MR. SCHIANO:

9 Q It's tough to stay at a scene when it's a dirt road and
10 there's only a few houses -- sparsely spaced houses on this
11 road I take it, correct?

12 A It's not tough to stay out of scene. They're actually --
13 they're wooded lots. The houses sit pretty far back up.

14 Q Okay, but are you parked in someone's private driveway or
15 are you on the street?

16 A No, I was on the street initially.

17 Q Okay, so if --

18 A On Howard Street.

19 Q And excuse me, if I'm pointing on this way on the map would
20 that be west, I take it, or east?

21 A You know, I would have been coming from -- I would have been
22 coming from the east so I would be west -- or, I'm sorry,
23 the east of the driveway, which I -- I'm sorry, if you could
24 point at the gray, is that the house?

25 Q This is the house here.

1 A Okay, so -- all right, it's actually -- it's not on where I
2 would have been initially coming from the direction, it's
3 not even on the --

4 Q Officer Bretz indicated that he was someplace --

5 A Correct.

6 Q -- down in this area.

7 A Right, exactly.

8 Q Were you in the same area as him or were you on the other
9 side of the street?

10 A No, I'd be in the same area. I'm coming from the same
11 direction, so.

12 Q So you were both on the street then?

13 A On Howard Street.

14 Q On Howard Street.

15 A Correct.

16 Q It's a very narrow road too, right?

17 A It's a dirt road, it's two lanes.

18 Q Okay, but it's a dirt --

19 A One each way.

20 Q It's a dirt road and you have two big Farmington Hills SUVs
21 on that road, correct?

22 A We were on Howard Street.

23 Q Okay, and just so I'm clear, you -- you were there for only
24 a few minutes until you said you heard, at least on a radio
25 dispatch, that Bassel was leaving, correct?

1 A Correct.

2 Q And you also heard that he was being followed by two
3 detectives?

4 A I later learned of that. I wasn't advised of that.

5 Q You didn't know that?

6 A It didn't -- wasn't necessarily important to me --
7 (undecipherable).

8 Q And it's your testimony you never saw these detectives leave
9 that driveway or head past you in the direction you were at.
10 I take it you know what a detective's car looked like,
11 you've been a cop for 29 years, right?

12 A Correct. But we have a number of different DB cars.

13 Q Okay, but you would recognize Farmington Hills detectives, I
14 take it, if they drove by you, right?

15 A But I don't recall them driving by me.

16 Q That's why I'm asking, they didn't drive in your direction,
17 they drove --

18 A Correct.

19 Q -- in the other direction?

20 A Not that I recall.

21 Q Well, I'm saying you would have saw them if they drove by
22 you, correct?

23 A If they did, but I'm not saying I remember seeing them, so.

24 Q Okay. Well again, small dirt road, you're telling us you
25 didn't see two detectives cars and Bassel drive by you that

1 afternoon?

2 A I don't recall them driving by me, correct.

3 Q That's fine. But at some point after they leave the
4 driveway you're directed to pull in --

5 A Can I add to my -- to my answer though please?

6 Q If you want to, yeah, tell me --

7 A There's actually two ways to leave there. I mean, so they
8 wouldn't necessarily drive by me.

9 Q Well that's why I'm asking, because I asked whether or not
10 you and Bretz were in two different areas. You said you
11 were in the same area and according to the map it would have
12 been --

13 A What I recall.

14 Q -- in the lower -- it looks like northern quadrant of where
15 the map is where the N is down there, correct?

16 A Correct. Yes.

17 Q And that's where you say you were also?

18 A Correct.

19 Q Okay, so if the detectives and the doctor had gone in the
20 opposite direction you would never have seen them?

21 A Correct.

22 Q But if they were in your direction you would have seen at
23 least three cars pass your direction, fair to say?

24 A Right. Yes --(inaudible).

25 Q All right. So, after you hear that they had left it was

1 your instruction by whom to go back to the driveway?

2 A Well, we were already -- I was already being told by
3 Sergeant Wehby and --

4 Q Well, that's my question, who told you, Ma'am?

5 A Sergeant Wehby was in charge of the scene.

6 Q Okay, so he told you via telephone call or via radio call to
7 go to the driveway and block the driveway, who said that?

8 A You know what, I don't recall it being necessarily a radio
9 -- over the radio call. I knew that once we were given --
10 once we were advised to move to the address we went to the
11 address -- Howard and the address.

12 Q You've testified earlier today that you said that prior to
13 going out there you also went and collected some evidence,
14 tech bags I take it too, is that what you said? You stocked
15 your car --(multiple speakers)--

16 A Well, I loaded -- I loaded additional equipment and --

17 Q Because it was your understanding that you were gonna be
18 involved in overtime and a search warrant sometime that day,
19 correct?

20 A Possibly.

21 Q And you knew that there was not a search warrant signed at
22 that point, correct?

23 A At that point there was not.

24 Q Okay, but you still grabbed your stuff and was planning on
25 being there for hours?

1 A Of course.

2 Q Okay. And so --

3 A We were some -- some miles away from the station, so.

4 Q Okay, and so at some point you pull in this driveway and you

5 and Bretz are facing opposite directions but you're blocking

6 any egress from the driveway I take it, correct?

7 A Correct. We were car-to-car right at the tail end of that

8 driveway --(multiple speakers)--

9 Q And your instruction specifically was not to allow anyone

10 down that driveway, correct?

11 A Our main objective was scene security, correct, up or down.

12 Q Okay, and if anybody came you had to get permission from the

13 person in charge to allow them down the driveway I take it,

14 correct?

15 A Correct.

16 Q And at some point -- were you aware of who Bassel was prior

17 to that time?

18 A Yes.

19 Q Had you met him before?

20 A Yes.

21 Q So you knew who he was?

22 A Briefly.

23 Q Okay.

24 A I didn't have a major interaction with him.

25 Q Okay, but --

1 A I knew who he was.

2 Q But you knew who he was?

3 A Correct.

4 Q Okay, and you've been a cop for 29 years, there's been some

5 domestic incidents at the house and you were -- indicated

6 you had some experience in that, correct?

7 A I had experience in it. I was never to that address for

8 those domestic incidents.

9 Q But you knew who he was though, correct?

10 A Not in regards to those prior domestic incidences.

11 Q That's not my question, did you know who he was?

12 A That's what your question was.

13 Q Okay, did you know who he was?

14 A I knew who he was from earlier that day.

15 Q Okay, so you were familiar with who he was, that's my

16 question?

17 A That's correct.

18 Q So when he came back to the scene and he pulled up you knew

19 that was his house, correct?

20 A That's his house, correct.

21 Q You knew that when he came back, correct?

22 A Yes.

23 Q Okay, and you prevented him from going to his house at that

24 point, isn't that a fair statement? You just told us for 10

25 minutes --

1 A Yes.

2 Q -- he stayed outside the house, right?

3 A Correct, until I got a hold of Sergeant Wehby.

4 Q And that was 75 yards away, it took you 10 minutes to get a

5 hold of somebody?

6 A Like I indicated, we called him.

7 Q Okay, you called him.

8 A I didn't run up the driveway.

9 Q Only did a drive up the driveway?

10 A Correct.

11 Q Okay, and you're telling us that for 10 minutes -- during

12 that 10 minute period of time though he also called an

13 attorney, correct?

14 A I never said anything about who calling an attorney?

15 Q Did he call an attorney in your presence and hand the phone

16 to you at any time?

17 A I don't recall anything in regards --

18 Q Did you --

19 A -- to that.

20 Q Did you ever speak to an attorney?

21 A I don't recall ever speaking to an attorney.

22 Q Did he ever get out of the vehicle when you were present at

23 the end of the driveway?

24 A I don't recall him getting out of the vehicle, but if he did

25 get out of the vehicle I wasn't preventing him from doing

1 so, so...

2 Q So at some point in time you exit your vehicle and

3 approached his --

4 A Correct.

5 Q -- driver side and have a conversation with him?

6 A Correct.

7 Q And he never handed you the phone to say I'm talking with my

8 attorney, tell them to stop talking to my child?

9 A I don't recall --

10 Q Do you recall that conver --

11 A -- talk -- I never spoke to anybody's attorney.

12 Q Did he ever tell you at any time outside the driveway there,

13 did he ever tell you specifically to tell him to stop

14 talking to my child?

15 A I don't recall that, no.

16 Q You don't recall or you just -- it was not said?

17 A I don't recall that conversation, Sir.

18 Q Okay. Now, when you say for 10 minutes, are you making the

19 phone calls to Waybe (ph) or is it Bretz making phone call

20 --(multiple speakers)--

21 A Well, I thought -- as I indicated, Officer Bretz made the

22 phone calls.

23 Q Okay, so during that period of time you're interacting with

24 Bassel I take it, correct?

25 A Like I said, informally, correct.

1 Q Well, he's talking to you, he's telling you he wants to get
2 back into his house, correct?

3 A I don't recall him saying he wants to come back into his
4 house. You're putting words into my mouth and I don't
5 recall that, so --

6 Q Okay. Well, if he --

7 A -- my --

8 Q -- pulls up to his driveway and tries to enter his driveway
9 what did you think he was going to do?

10 A That's up to him. As far as I knew he had --

11 MR. KEAST: Judge, I'm just going to object
12 to speculation. The question is, what do you think he was
13 gonna do?

14 THE WITNESS: Yeah --

15 BY MR. SCHIANO:

16 Q What was he trying to do, I'm sorry?

17 A I don't know what he was trying to --

18 MR. KEAST: Again, speculation, Judge.

19 THE COURT: Well look, you can ask her what
20 she saw, you can ask her --

21 MR. SCHIANO: Okay.

22 THE COURT: -- what he said to her, if she
23 remembers --

24 BY MR. SCHIANO:

25 Q He came driving down the driveway down Howard Road and

1 attempted to enter his driveway, is that a fair statement?

2 A He never attempted to enter the driveway.

3 Q What did he -- well, he couldn't because your two cars --
4 (multiple speakers)--

5 A He stopped on Howard Street and I made contact with him.

6 Q He could not go down the driveway there, Officer, because
7 your two cars were blocking it, fair statement or not?

8 A Okay, our cars were in the driveway, correct.

9 Q Blocking it. You know what that means?

10 A I know exactly what it means.

11 Q Could he have pulled past your cars?

12 A No, I would not have let him past my car.

13 Q And that was by your instruction from your superior I take
14 it, correct?

15 A That's correct.

16 Q Thank you.

17 MR. KEAST: May I?

18 REDIRECT EXAMINATION

19 BY MR. KEAST:

20 Q Ms. Swanderski, scene security also includes accounting for
21 the safety of the officers inside the home, is that correct?

22 A That's correct.

23 Q Okay. So you don't need specific instructions to keep
24 someone safe inside, but if you're being told to do
25 perimeter security what are you gonna do?

1 A Provide perimeter security.

2 Q Okay, and so why would it be a bad idea to allow people to

3 come and go inside a home when the officer doesn't inside a

4 home doesn't know what's happening?

5 A Correct.

6 Q Okay, so that would be a bad idea based upon your

7 experience?

8 A Then I would be neglecting my duties.

9 Q Okay.

10 A My assignment that day.

11 Q Now, this wasn't your scene that day, correct?

12 A Was it my scene?

13 Q Right.

14 A No, it was not my --

15 Q It was Sergeant Wehby's scene?

16 A That's correct.

17 Q Okay. And Sergeant Wehby was inside the home?

18 A Correct.

19 Q Okay, and so your role at that point was to make sure that

20 nobody comes onto the property who's not a police officer,

21 would that be correct?

22 A That would be correct.

23 Q All right, and it was -- is it your practice to contact the

24 person in charge of the scene when you're working perimeter

25 security when somebody approaches the scene?

1 A Yes, it is.

2 Q Okay, is that why the decision was made to contact Sergeant

3 Wehby?

4 A Immediately.

5 Q Okay. Now, counsel asked you about some phone calls from an

6 attorney, and I want to make sure that I understand

7 correctly your answers, you were asked if you recall

8 speaking with an attorney, now do you not recall being on

9 the phone or did you not have a conversation with an

10 attorney on the telephone?

11 A I don't recall either. I did not have a conversation with

12 an attorney on the phone that I recall at all.

13 Q Okay, so -- now correct me if I'm wrong, but you have no

14 memory of actually speaking with an attorney on the

15 telephone --(inaudible)?

16 MR. SCHIANO: I think that's asked and

17 answered.

18 THE WITNESS: I wouldn't even be able to --

19 THE COURT: (Inaudible) --

20 THE WITNESS: -- to say what -- yeah.

21 MR. KEAST: That's fine. Well taken, Judge.

22 Nothing further, thank you.

23 THE WITNESS: Thank you.

24 RECROSS-EXAMINATION

25 BY MR. SCHIANO:

1 Q Scene security, did you have a warrant to be on this
2 property?
3 A Did I have a warrant?
4 Q Yeah. You were in a driveway, right?
5 A I was on the -- yes, I was --(multiple speakers)--
6 Q It was a private driveway, correct?
7 A The scene was under investigation.
8 Q Okay. It was under investigation at that time?
9 A Yes.
10 Q And it was a private driveway, you had no warrant to be on
11 the property, correct?
12 A I did not need a warrant, Sir.
13 Q Okay, and the owner of the property was trying -- was
14 pulling onto that property, is that a fair statement?
15 A He never tried to pull into the driveway --
16 Q It's a private -- it's private property, right?
17 A -- Sir. It's private property, Sir.
18 Q I'm just -- I'm trying to understand your position, that's
19 all. You're telling me that you are on private property
20 without a warrant, correct? Yes or no?
21 A I'm sitting in the driveway assigned --
22 Q It's not -- it's not public property, is it?
23 A Technically, there may have been an easement.
24 Q Okay, well, you see the driveway, correct? You were parked
25 in the driveway, correct?

1 A I was parked in the driveway, correct.

2 Q And you're saying that this was an investigation you said,
3 that you were told it was an investigation?

4 A It was an ongoing investigation, I think we all know that.

5 Q Okay. Nothing further, thank you.

6 MR. KEAST: Nothing further for this witness.

7 May the witness be excused?

8 THE COURT: Is there any reason to --

9 MR. SCHIANO: Oh, she's retired, she can go
10 home.

11 THE WITNESS: Thank you.

12 THE COURT: You're free to go. Thank you.

13 (At 2:02:20 p.m., witness excused)

14 MR. KEAST: May we have one moment, Judge?
15 Judge, for the purpose of this hearing the
16 People rest.

17 MR. HART: I'm sorry, what was that?

18 MR. SCHIANO: Judge, may we just converse for
19 two seconds?

20 THE COURT: Sure.

21 MR. SCHIANO: Judge, we call Doctor Al-
22 Tantawi.

23 THE CLERK: Sir, could you please raise your
24 right hand? Do you solemnly swear to tell the truth, the
25 whole truth and nothing but the truth?

1 MR. AL-TANTAWI: Yes, I do.

2 BASSEL AL-TANTAWI

3 (At 2:05:32 p.m., witness sworn, testified as follows):

4 THE CLERK: Okay, watch your step and the
5 door pulls towards you. And you may be seated.

6 THE WITNESS: Thank you.

7 DIRECT EXAMINATION

8 BY MR. SCHIANO:

9 Q Doctor, I'm going to direct your attention back to August
10 22nd of 2017 back to Howard Road, could you tell me who was
11 present in your house at approximately 3:20 p.m.?

12 A I have many officers, detectives from Farmington Hills
13 Police Department.

14 Q Prior to the police officers arriving though who was in your
15 house? Who was --(inaudible)-- what family members were
16 there?

17 A It was myself beside my two kids, Muhammad and Sidra.

18 Q At some point around 3:20 fair to say that some police
19 officers arrived at your house?

20 A Correct.

21 Q Who was -- who came to the house? Who did you see at the
22 doorway?

23 A Multiple officers. Namely, Sergeant Wehby, Detective
24 Molloy, Detective Jason Hammond, other officers in their
25 uniform.

1 Q Where did you see these uniformed officers at?

2 A At my doorsteps with other detectives in the plain clothes.

3 Q So to the best of your knowledge could you tell the court --

4 A And I opened the court -- I opened the door I saw them.

5 Q Okay, so how many officers in total did you see at 3:20

6 p.m.?

7 A About five.

8 Q Okay. At some point the three detectives enter --(multiple

9 speakers)--

10 A At the door --(inaudible).

11 Q Okay, the two detectives and the sergeant enter the house at

12 some point?

13 A Correct.

14 Q All right, tell me what happens when they enter the house.

15 A So I -- they knock the door, I open the door, they enter the

16 house and Sergeant Wehby start talking to me and the first

17 thing he said that he want to question my kids. Right there

18 I said -- I refused. I said, "No, you're not talking to any

19 of my kids. My kids are traumatized, their mother just died

20 yesterday, you're talking to none of my kids." Right after

21 that -- now I'm between three detectives, each one of them

22 throwing a question and comment and talking to me trying to

23 get me to consent for the investigation, and I'm like, "No."

24 Then I turn to right side, Molloy is telling me he want to

25 take (ph) the kids, I'm like, "No." And then I told him I

1 want to get an attorney. They said, "No, we want to talk to
2 the kids." So we are back and forth.

3 Q So at what point do you mention the need for an attorney --
4 A Right away. Immediate --

5 Q Where was that in the house in particular, do you recall?
6 A It's when I open -- it is just in front of the side door, so
7 when I open the side door to the house they barge in my
8 house and they -- we start the conversation right there.

9 Q I'm going to show you a map that's been used, I believe it's
10 --

11 THE COURT: I think it's behind the --
12 MR. SCHIANO: 12. It's 12, I'm sorry. It is
13 12.

14 THE COURT: Oh, it's that one, yeah. Okay.
15 MR. SCHIANO: Yeah.

16 BY MR. SCHIANO:
17 Q And 12, Doctor, there appears to be a --
18 A Right there.
19 Q -- entryway --
20 A The entry, yep.
21 Q -- and half bath. Okay. The tape recording is not going to
22 let us talk at the same time --
23 A Sure.
24 Q -- okay, so let me finish my question and then answer.
25 A Okay.

1 Q The half bath entryway, is that where the police entered the
2 house?

3 A Correct.

4 Q Okay, and the conversation that you had with the sergeant
5 about requesting and needing an attorney, where did that
6 occur?

7 A Right -- behind that door. I mean, the entry area.

8 Q Okay. The other two detectives, where were they when this
9 conversation was going on?

10 A On my right and left side. All together in the same area.

11 Q Where were your children at the time the conversation was
12 going on with the detectives and sergeant, do you recall?

13 A Right, so right after I refused them to talk to me they
14 zoomed on Muhammad and they said, "Where's Muhammad?" I
15 said, "I'm not sure, probably he's in his room on the second
16 floor." And Muhammad was -- eventually I found that he was,
17 yes, on the -- in his room on the second floor, while Sidra
18 was in another part of the house, which at that time I could
19 not tell exactly where she was, but I thought she was in the
20 master bedroom, and then yes, she was in the master bedroom
21 all the way in the back of the main floor.

22 Q On the main floor?

23 A Correct.

24 Q That's depicted here as the master suite (ph) I take it?

25 A Correct.

- 1 Q Okay. At some point you recall who goes upstairs to
2 Muhammad's room to get him?
- 3 A Absolutely. I have a very crystal-clear memory about
4 everything. So, three cops prevented me from going and
5 checking on my kids, on Muhammad, they told me wait here, we
6 are going to go and bring him down, so again, Sergeant
7 Wehby, Detective Molloy and the third officer, most likely
8 Jason Hammond, three of them, they went and got Muhammad
9 down and they, yeah, brought him down.
- 10 Q I'm pointing to People's 18, there appears to be a stairway
11 and it goes up and down, which appears to be right in front
12 of Muhammad's bedroom, is that right?
- 13 A Correct.
- 14 Q And you're saying the officers went up those stairs to the
15 bedroom and retrieved them?
- 16 A Correct.
- 17 Q Where did you go, if you recall?
- 18 A I was not allowed to go anywhere. They asked me to stay
19 right there.
- 20 Q And when you --
- 21 A And the --
- 22 Q -- stay on the first floor?
- 23 A Correct, and the entry area still, I was still there.
- 24 Q Okay, so --
- 25 A They said, "Wait a minute," and they went upstairs.

- 1 Q Were there any officers that stayed with you on the first
2 floor of the house when the officers went and retrieved
3 Muhammad from his bedroom?
- 4 A Yes. I remember an officer, at least one officer at least,
5 if not two, and the blue uniform, Farmington Hills P.D. I
6 don't remember the name.
- 7 Q Okay, so you were downstairs and they eventually walked him
8 downstairs?
- 9 A Correct.
- 10 Q What discussion occurred between yourselves and the sergeant
11 and the detectives after Muhammad was brought downstairs?
- 12 A So we continued to argue about they want to talk to my son
13 and I tell them that I'm not allowing that. Plus, we were,
14 me and my kids, on our way to get Aya, she's waiting for us
15 on the street, on the street after she dropped from the
16 school to go to eat, a restaurant. So they start arguing
17 with me and tell me, "No, nobody's going to get Aya and go
18 to eat." And I told them that we are devastated. We did
19 not sleep and off, we are starving, the kids did not eat, we
20 -- I want to go with my kids to pick up Aya and go and eat
21 and they said, "No, nobody is going."
- 22 Q Okay, at some point did you indicate to them that you are
23 going to go pick up Aya?
- 24 A Absolutely.
- 25 Q Okay. Before that did you have a prayer session with

1 Muhammad?

2 A Excuse me?

3 Q Did you have a prayer session with Muhammad before that?

4 A What do you mean, a conversation?

5 Q Did you pray?

6 A Oh, yeah.

7 Q All right, so tell me something, in your house there's three

8 levels, there's the upstairs, the second floor, the first

9 floor and the basement.

10 A Correct.

11 Q Is there a specific room in your house that is designated as

12 a prayer room?

13 A Yes, it -- we have --

14 Q What's --(undecipherable)-- makes it a specific room being a

15 prayer room?

16 A So it's -- from the time we start renovating the house, when

17 we got the house we make designated area all the way in the

18 basement like a prayer area, which had like -- like an area

19 facing the direction for the prayer and it's a prayer area.

20 Because we made it in the basement all the way down in the

21 opposite direction where we were standing in the main floor,

22 so I'm standing with the officer on the main floor, all the

23 way in the opposite direction down in the basement, that

24 area is about 500 feet away.

25 Q Okay. And when you asked the detectives that it was time

1 for you to pray with Muhammad did you ask to go to the
2 basement?
3 A Absolutely, and they --
4 Q And what did they tell you?
5 A -- said, "No." They refused. They said, "You pray here."
6 And they pointed like four feet away from them. And I have
7 no other option but me and my son to pray like within the
8 custody of the police, and they're watching us and talking,
9 whispering. It was very intimidating.
10 Q All right, so --
11 A But we have no other option.
12 Q All right, so at that point after you've prayed is there a
13 discussion between yourself and the sergeant and the
14 detective as to what you're going to do and what they're
15 going to do?
16 A After the prayer?
17 Q After the prayer.
18 A Yes. So right after we finished our prayer, maybe it took
19 us about two minutes, I rushed to the door to get to the car
20 because I explained to them I have only like five minutes to
21 get my daughter. On the way on me leaving the house to my
22 car Detective Molloy again start talking -- requesting for
23 me to allow him to talk to Muhammad. I'm like, "No," we
24 start arguing. And I could not fathom he -- he doesn't take
25 no for an answer, so he get like charging on me want to talk

- 1 to my son after I kept consistently refusing him to talk to
2 my son.
- 3 Q Okay, but at some point you left the house though, correct?
- 4 A Correct.
- 5 Q Okay, and were you -- where did you go and how far away was
6 it?
- 7 A So I have no other options but to rush to get my daughter
8 from the street and come back in about seven, eight minutes
9 I was back.
- 10 Q Okay, but as you up the driveway on Howard Road there, tell
11 the court how many police cars or officers you saw dotted on
12 the driveway as you left the --(multiple speakers)--
- 13 A Right, so --
- 14 Q -- the --
- 15 A -- it's a long the driveway, so I'm leaving the garage -- as
16 I'm leaving from the garage to the outside driveway about
17 seven police cars between cover and cover total from the
18 garage door all the way to the middle where there's a bridge
19 over the driveway full of police cars. And I was, of
20 course, surprised at what all of this about?
- 21 Q Hold up People's 17 here. This is depicting your driveway
22 from the house down to the road on Howard Road, correct?
- 23 A Correct. Yes.
- 24 Q And you indicated there was seven police cars?
- 25 A Yeah, so you want me to come down and --

1 Q Nope, I don't want you to come down.

2 A All right.

3 Q This is the driveway/garage area, how many police cars did

4 you see as you left the area where the driveway and garage

5 were?

6 A In that particular area?

7 Q Yes.

8 A Three probably.

9 Q All right, and as you exited and drove away what cars did

10 you see on the 353 feet that --(multiple speakers)--

11 A Another three, four cars.

12 Q Okay, were they undercover cars or were they marked police

13 cars?

14 A Both.

15 Q And as you left the house, which direction did you go, do

16 you recall?

17 A So -- absolutely, yeah.

18 Q All right, I'm going to bring this over to you --

19 A Sure.

20 Q -- and just tell me, point the direction on Howard Road

21 where you went to --(multiple speakers)--

22 A So I leave the driveway, I turn left on Howard Road.

23 Q So it's --

24 A On the dirt road I go that way.

25 Q This way?

1 A Yes.

2 Q Okay, you made a left-hand turn --

3 A Correct.

4 Q -- and headed out that way. Okay. And as you made that

5 left-hand turn did you notice if anybody was following you?

6 A Yes. So right -- I'm turning left on the Howard Road, I see

7 an undercover police car, Malibu, standing on the -- I think

8 in my next neighbor driveway, and I can tell it's undercover

9 because it's Malibu and --(undecipherable)-- features to it,

10 so as I'm turning left I see the Malibu like backed up

11 little bit and then when I pass in front of it it starts

12 following me and I see that in the rear mirror, and I go on

13 Howard Road, he's following me, I turn right on Halsted,

14 he's follow me, I go right, another right on 12 Mile, he's

15 following me.

16 Q Okay, that's fine.

17 A Yeah.

18 Q He follows you all the way to the library I take it?

19 A Correct. Back and forth to the house.

20 Q Okay, so tell me, if you know, what your entire round trip

21 was from the time you left the house at approximately 3:20

22 ish until when you got back to the house.

23 A Seven, eight minutes because I was rushing back to the

24 house, I was not at all confronted with the scene I've seen

25 when I'm leaving the house, that the whole police department

1 was in my house and why they are doing this, so -- but I
2 have no other option but to go and --(undecipherable)-- take
3 my daughter from the street and rush back to the house.
4 Q Okay.
5 A So it's seven, eight minutes, maximum.
6 Q Okay, so you get back to the house and as you pull into your
7 driveway what are you faced with?
8 A So when I came --
9 Q What do you see?
10 A All right, so when I come back on Howard Road about to pull
11 in my driveway, right at the front of the driveway two
12 Farmington Hills P.D. SUV white cars, facing me, facing out,
13 blocking me.
14 Q Okay, did you exit your vehicle and talk to them?
15 A Yes. So of course I have no other option but I have to stop
16 because they're facing me, otherwise, I don't want to cause
17 a crash or car accident, I stop and I come down. I spoke
18 with the officer, I think her name is Officer Wondoski
19 (sic), she was a female officer. Like, "Officer, what's
20 going on? I want to go back to my house and my kids." She
21 said, "No." I said, "Well, like what you mean by no?" She
22 said, "I'm sorry, Sir, this is" --
23 Q Did she know who you were, Doctor?
24 A Of course.
25 Q Did she call you by name?

1 A Yes.

2 Q Did she call you by "Bassel" or by "Doctor"?

3 A I think Mr. Al-Tantawi. I don't remember.

4 Q Okay. So at some point --

5 A Exactly.

6 Q -- you have a conversation with -- do you recall exactly

7 what time that was or approximately?

8 A I mean, you add seven, eight minutes to the time I left and,

9 so. I mean, it was around 3:30 ish approximately?

10 A Yeah, exactly.

11 Q So at that time you have this conversation with the female

12 officer and is there a male officer there too?

13 A Yes, next to her and the second SUV blocking me is Officer

14 Bretz.

15 Q At some point do you see -- does Bretz exit his car also?

16 A Yes.

17 Q Okay. And during the period of time that you're talking

18 with the two officers what do you do?

19 A So I came -- again, I'm asking the officer, I want to go

20 back to my house, he said, "No," and like, "What do you mean

21 by no?" She said, "I'm sorry, Sir it is Sergeant Wehby

22 orders." And then, "You tell Sergeant Wehby that me,

23 Bassel, is here and I want to go back to my house with my

24 kids right now." She said, "Okay, okay." And, I told her

25 stop talking to Muhammad because I realized that they

1 violate my refusal not to talk to him and they took
2 advantage of the situation. They basically now hijacked my
3 house and my kids. And they blocking me from entrance with
4 her. Number one, I want to go back to the house right now;
5 number two, tell him to stop talking to my son. She says,
6 "Okay, Sir," and then she go back to her SUV car and I'm
7 waiting right there, standing and waiting for her.

8 Q So you're outside of the vehicle, you're not inside your
9 car?

10 A Yes, I'm still in front of her car.

11 Q Okay, she --

12 A You know, outside on the dirt road on Howard.

13 Q What do you see her do when she goes back to her SUV, do you
14 see her do anything?

15 A Yeah, she went back and I think I start -- see him talking
16 and I assumed it was Sergeant Wehby.

17 Q When you say talking, did she have a cell phone in her hand
18 or --

19 A No, she -- I think she was talking on the radio on the --
20 you know, white earpiece.

21 Q Okay. And did you see what Officer Bretz was doing?

22 A Same thing. He was like around -- around us and he -- I
23 don't know but if he went back to his car or he just stayed
24 back so they -- they were there -- stood there in the front
25 of the driveway.

1 Q Approximately how long can you estimate where you waiting
2 before they gave you an answer to bring you back up to the
3 house?
4 A I was there waiting and it's been 14 months now, so --
5 Q No, not --
6 A -- maybe 10 minutes.
7 Q Ten minutes?
8 A Maybe 10 minutes. Then when she's not coming back I was
9 expecting to come back with permission to go back to my
10 house, she didn't come back. I went -- I want to talk to my
11 attorney now and --
12 Q Okay, just -- we want to make sure we get this correct. So
13 it takes -- it's for a 10 minute period of time you're
14 telling us, she stays in her car and it appears that she's
15 talking to somebody, is that correct?
16 A Correct.
17 Q All right, what do you do at that point?
18 A So I was waiting for her to come and --
19 Q What do you do?
20 A I went back to my car when my -- was my daughter in th back
21 seat, asked me, "Dad, what's going on" --
22 Q No, that's not what I asked you, Bassel, what did you do?
23 What did you do? Did you make a phone call to somebody?
24 A Yeah, so I went back to my car, again, because my phone was
25 in the car, I go back, I pick up my phone, I start calling

1 attorneys. Unfortunately, none would answer the call. Then
 2 after that I called my friend. He's been in this country
 3 forever and he's very familiar, unfortunately, with kind of
 4 situation, so I told him this is what's happening, I'm
 5 trying to reach out my attorney, they're not answering, my
 6 son is being interrogated, obviously, with the police right
 7 now and they're not allowing me to go back in the house. He
 8 said, "This is crazy" --

9 Q That time period where you're calling attorneys and then
 10 calling your friend, how long does that take?

11 A That -- was talking to my daughter in the car, took over
 12 seven, eight minutes.

13 Q Okay.

14 A Ten minutes.

15 Q At some point at all did you get in touch with any
 16 attorneys?

17 A At that point, no.

18 Q You didn't talk to any attorneys?

19 A At that point I could not. Then I talk -- at one point I
 20 talk to attorney --(undecipherable)-- Mustafa (ph).

21 Q Okay, and when was that? You were still waiting to go in
 22 the house I take it, correct?

23 A I don't remember exactly when I reach him but I think when I
 24 could like either at that point or when I came back to the
 25 house.

1 Q And at what point did the attorneys --

2 THE COURT: Okay, I'm confused.

3 MR. SCHIANO: Me too.

4 THE COURT: At what point are you referring

5 to --

6 MR. SCHIANO: Right.

7 THE COURT: -- Doctor Al-Tantawi --

8 MR. SCHIANO: I just -- I'll try to clear it

9 up, Judge, I apologize. I'm confused too.

10 BY MR. SCHIANO:

11 Q Seventeen, eighteen minutes you're saying you're waiting

12 outside after a 10 minute period of time where Swendarski

13 (ph) goes back to the car, another seven or eight minutes

14 you're trying to reach an attorney, correct --

15 A Correct.

16 Q -- so about 17, 18 minutes you're at the base of your

17 driveway not being allowed in so far, correct?

18 A Correct.

19 Q All right. What happens then?

20 A Then after I spoke with my friend and he told me you should

21 not allow this I go back to start arguing with the officer

22 to allow me to go back to my house.

23 Q When you say arguing were you becoming physically loud with

24 her, upset with her, what did you say specifically?

25 A I was not physically violent or loud but I was upset, of

1 course. I thought of this as unbelievable. How come he
2 does that to me, the Sergeant Wehby?

3 Q All right.

4 A And to my kids.

5 Q All right, and again, that's another few minutes I take it?

6 A Yes. We were back and forth. I tell her, "Please, tell him
7 I want to go back to my house." This is illegal, unethical,
8 unprofessional, you name it, did it again and again. She
9 said, "Okay," then she go back and talk to him.

10 Q Okay, when you say she goes back, where did she go?

11 A In her car.

12 Q Okay, and where did you go?

13 A Still waiting outside the driveway waiting for her to come
14 back and give me the permission.

15 Q Did you go back to your car, did you make anymore phone
16 calls, what did you?

17 A I waited extra minutes and I went back to my car and I was
18 also talking -- calming down Aya because Aya was going
19 crazy, like what the police are doing here, why they not
20 allowing us to go back to the house. I said, "I don't
21 know." And then I go back to talk to the officer, wait for
22 the officer so five, seven, eight minutes, you know, and
23 then eventually they will pull one car and allow me to go
24 back to the house escorted by those two officers back to my
25 own house.

1 Q Okay, so you're telling the court that approximately 25
2 minutes or so goes by --

3 A Yes.

4 Q -- and then the officers escort you back, is it two police
5 cars first, then your car, or how does it go, do you recall?

6 A I don't recall exactly. I remember -- I remember -- so two
7 of the SUVs are blocking the driveway. One of them I think
8 Officer Swendarski (sic) car, she eventually move it behind
9 this car and they barely allow me to go -- I don't remember
10 if I went by my car or by like on foot, but I remember very
11 good that I was now like escorted by the two police officer,
12 the female police officer Wanderski (sic) and Bretz on my
13 left, and I'm like, I feel like I'm being arrested. I'm
14 like, "What's going on?" They said, "Sorry, Sir, this is
15 orders by the Sergeant Wehby for safety." I'm like, this is
16 another unbelievable situation, now I'm being escorted to my
17 house?

18 Q Just slow down for a second.

19 A Yeah.

20 Q So you said that you pull up to your garage, you get out of
21 the vehicle and two officers escort you into the house?

22 A Correct, to the doorsteps of the side door, the same side
23 door where the -- yeah, where they came from initially.

24 Q Does your daughter, Aya, stay in the car or does she come in
25 with you?

1 A She did not come wit me. She stayed in the car I think at
2 that point.

3 Q Okay. Once you get inside the house what do you do?

4 A Before that I ring the bell and my phone -- when my door
5 bell ring to the phone inside, I -- and I know that the
6 officers and my son --(undecipherable)-- the door. I ring
7 the bell and like minutes pass, like years, like seven,
8 eight times I'm ringing the bell and nobody's opening the
9 door. And the police officer in my sight and they
10 eventually -- I think Sergeant Wehby, he came after seven,
11 eight times and ringing the bell and they other side of
12 door, Sergeant Wehby come and opens the door. He opened the
13 door, I'm like, "What's going on here?" And I put a foot in
14 my house and I see Muhammad crying, Molloy is all over him
15 and with the gun on his waist. I'm like, "What's going on?"
16 Molloy would shout and he tell me, "Step out." Then I was
17 kicked out of my house, escorted by Sergeant Wehby outside
18 the side door again.

19 Q So according to what you're telling us the entry door where
20 you came in, he took you right back outside again?

21 A Correct, Sergeant Wehby.

22 Q Okay, and that's --

23 A Under the order of Molloy.

24 Q Okay, and that's the same -- looking at People's 12 again,
25 the same entry door here that you entered when you rang the

1 door here?

2 A Correct. Because --

3 Q You stepped in --

4 A Outside.

5 Q -- and then he took you back outside?

6 A Correct. And he start arguing with me again.

7 Q Who was outside then, just yourself and Waybe (ph)?

8 A Correct.

9 Q All right.

10 A And -- oh, and Bretz, the officer who came with me, escorted

11 me and I think Wanderski (sic), they stayed inside the house

12 in the foyer area while Wehby took me outside the house.

13 Q What did you tell Waybe (ph) when you had him outside?

14 A So Waybe (ph) start telling me that Muhammad is not telling

15 truth. I told him, "This is nothing I'm discussing and

16 talking to you about again. This is past the point. I told

17 you not to talk to the kids. How come you block me from

18 coming to the house. How come you talking to him when I

19 told you not to talk to him?" He said, "Well, he's not

20 telling the truth." He kept going back and forth with me.

21 I'm like, "I'm not talking to you what he told you or not

22 told you. His memory is not clear, he's confused,

23 traumatized, all of that. I'm not discussing this. I kept

24 telling you before I leave the house don't talk to him. Why

25 you doing this?" "Well, he's not telling the truth, he's

1 changing his statement."

2 I'm like, "So what did he say?" He goes,
3 "You said your wife wake up at 5:50 in the morning." I'm
4 like, "Yeah, and that's what the truth" --(undecipherable)--
5 "...our marriage that the time she wakes up in the morning."

6 Q All right.

7 A And he said, "But I" --

8 Q Hang on, hang on, just -- at what point --

9 A I'm sorry if I was -- you know, but I -- you know, this --
10 this pain will not go --(multiple speakers)--

11 Q (Multiple speakers).

12 A -- "from my memory."

13 Q Let me answer -- let me ask the questions here.

14 A Go ahead.

15 Q At some point when you were talking with Waybe (sic) did you
16 mention the fact that you had talked about an attorney
17 before?

18 A Absolutely. From the get go, the beginning. Like I said
19 initially, I told him I want to talk to attorney and he will
20 not listen.

21 Q Okay, that's earlier in the afternoon before you left, but
22 when you got back what did you say to him about an attorney?
23 What, if anything, did you say to him?

24 A When I came back I told him, "I -- I told you," -- I said,
25 "beginning also I want to get an attorney beside my son. I

1 want an attorney to be present int his because you guys
2 handling it in very fishy way, and so I need a professional
3 attorney to protect me and my kids from you guys coercion."
4 Q Did they tell you anything at all prior to leaving the house
5 at 3:20 about anything other than talking about a timeline?
6 A Nothing -- oh yes, he said that I have to give you a clear
7 image what happened. When Wehby came he was like -- I'm a
8 doctor so I -- he had like swelling his cheek and I thought
9 he had like a tumor or abscess, and then it turned out to be
10 that he's chewing tobacco, so he was like talking very like
11 incoherent way, mumbling, so he was not very clear. And
12 he's talking in an evasive way. The last thing I heard from
13 him before me leaving the house to get my daughter from the
14 street is, he is not feeling well or she is not feeling
15 well, and I said, "Okay," because Muhammad had an ear
16 infection and he was medicated with drugs and pills for
17 pain. And I'm like, "Okay, so you got it, you are leaving
18 him alone." And I left the house expecting that they are
19 not going to talk to my kids again. That's the last thing I
20 heard about my kids not feeling well, which, of course, I
21 was screaming loud to, you know, make it very clear to them.
22 That's the last thing we talked about before me leaving the
23 house.
24 Q Before you leaving the house.
25 A Correct.

1 Q Okay. You never gave them consent to talk to your child?

2 A No way. Not in any shape, way or form.

3 Q What was your understanding of what was going to occur when
4 you left the house and you were gonna come back after 10
5 minutes?

6 A So I didn't have any option. They're staying in my house
7 against my will and I have no other option but to leave the
8 house for only five minutes, get my daughter and come back
9 to the house.

10 Q Answer my question, what was your understanding they were
11 going to do when you left the house at 3:20?

12 A That's -- my understanding that they are staying against my
13 will in the house waiting for me, not talking to Muhammad,
14 and of course, Sidra, til I pick up Aya and come right back
15 in five minutes.

16 Q They had asked you to accompany them to the Farmington Hills
17 Police Department at some time?

18 A Yes. And they said, "Can we" -- "No, no talking to kids,
19 period. Not the police department, not in my house, not the
20 driveway, nothing any way, shape or form."

21 Q Hang on one second.

22 MR. SCHIANO: Judge, thank you, that's all I
23 have for this witness.

24 THE WITNESS: Your Honor, can I have a cup of
25 water -- (inaudible) -- thank you so very much. I'm sorry,

1 I've been here since early morning, so.

2 MR. SKRZYNSKI: So have I.

3 THE WITNESS: You want cup of water then?

4 Thank you.

5 MR. SKRZYNSKI: I'll ask you the questions.

6 CROSS-EXAMINATION

7 BY MR. SKRZYNSKI:

8 Q Every time -- you've been to all the hearings that have been
9 happening in this case, haven't you?

10 A Excuse me? I've been to all the hearings in what?

11 Q All the hearings that have been occurring in this case,
12 haven't you?

13 A What? My son's case? Yes.

14 Q No, this -- yeah, this case. Okay, so you don't under --
15 did you not understand that question? Am I talking in a
16 garbled fashion?

17 A Didn't I answer you and I said yes?

18 Q I'm asking you --

19 MR. SCHIANO: Judge, I think this is going to
20 go nowhere fast. If we can have just some instructions for
21 both --

22 MR. SKRZYNSKI: Well, unless he --

23 MR. SCHIANO: -- both parties to just ask the
24 questions and answer the questions?

25 THE WITNESS: Yes, I answered. Asked and

1 answered. I said yes, I've been to all the hearings.

2 THE COURT: Doctor -- Doctor --

3 MR. SKRZYNSKI: Okay, thank you, Judge.

4 THE WITNESS: Yes?

5 THE COURT: -- this is my courtroom and you

6 will follow my rules and the court rules.

7 THE WITNESS: And --

8 THE COURT: You will -- Doctor?

9 THE WITNESS: -- all the time.

10 THE COURT: You will listen to the question

11 and answer the question only. Thank you.

12 THE WITNESS: You're welcome.

13 BY MR. SKRZYNSKI:

14 Q You've been to many hearings in this case, haven't you?

15 A Yes.

16 Q And you've been to many hearings in other courts regarding
17 other aspects of this case, like a custody hearing for your
18 daughter, right?

19 A Correct.

20 Q Aya. And every time you come to court you've worn a suit
21 and a tie, haven't you?

22 A Yes.

23 Q Yes, but today you're wearing a T-shirt with red, white and
24 blue letters on it that say, "Innocent Until Proven Guilty,"
25 right?

1 A Correct?

2 Q And you knew that this television camera was gonna be here
3 today, didn't you?

4 A No.

5 Q Oh, you didn't? You just chose this particular day to wear
6 a T-shirt in stead of a suit and tie as you've done probably
7 30 or 40 times coming to court, right?

8 A Yes.

9 Q Okay. That's just a coincidence?

10 A There is explanation, you want me to explain?

11 MR. SCHIANO: Judge, I'm going to just object
12 to the relevance of all this --

13 THE WITNESS: Thank you.

14 MR. SCHIANO: -- quite frankly. What's the
15 relevance of his wardrobe?

16 MR. SKRZYNSKI: I just noticed it, Judge, it
17 was something I noticed.

18 THE COURT: Let's move on please.

19 BY MR. SKRZYNSKI:

20 Q Now, you said that when you drove by you saw an unmarked car
21 but you knew it was an undercover vehicle, you knew it was a
22 police vehicle?

23 A Yes.

24 Q Right. Is that because at the time that you were doing all
25 the Blue Cross fraud and there were undercover people coming

1 to your office did you notice what their cars looked like
2 when they came, is that how you knew?
3 A Had nothing to do with that.
4 Q All right, so that -- the Blue Cross fraud stuff that you
5 pled guilty to, the four counts of Blue Cross fraud that you
6 pled guilty to in January of 2017, remember that?
7 A That's not correct what you're saying.
8 Q You didn't plead guilty to four counts of Blue Cross --
9 A Nope.
10 Q -- and healthcare fraud?
11 A I didn't plead --
12 Q Two counts of Blue Cross fraud, two counts of healthcare
13 fraud, correct?
14 A Now it's correct.
15 Q Okay, and you did that in January of '17?
16 A January or February, I don't remember exactly.
17 Q Okay, but you don't know about what these undercover cars
18 looked like from that experience?
19 A Nope.
20 Q Well then what experience is it that enables you to pick out
21 an undercover car when you see it?
22 A Watching all kind of shows on the TV.
23 Q TV. I see. Okay. Did you know those were detectives in
24 there?
25 A I didn't see who's inside. I think it was tinted.

1 Q Okay. You said when the officers come to the door they come
2 charging in, used the word "charging in," right?

3 A Yes.

4 Q They don't -- they don't say hello, you don't say hello,
5 it's just like the day before or earlier that day when they
6 came to get the video, they just came breaking into your
7 house, is that correct?

8 A About an hour before, correct.

9 Q Okay.

10 A Same --(undecipherable)-- charging my house.

11 Q Charging the house, and they don't tell you why they're
12 there or anything, they just charge in your house?

13 A I opened the door, they step inside my house.

14 Q They charged into your house you said, right?

15 A Stepping -- like charging in my house, yes.

16 Q Charging into your house, okay. And you said there's five
17 guys -- it's like an off -- it's like a defensive line
18 charging into your house, right?

19 A Right.

20 Q Okay, and two of those people are wearing uniforms, right?

21 A Yes.

22 Q Okay, and then you want to go upstairs but they stop you,
23 they said, "No, you can't go upstairs," right?

24 A Correct.

25 Q They will not let you go upstairs?

- 1 A Correct.
- 2 Q Okay. And you are -- what are you saying to them? Are you
- 3 saying, "Stop, stop, don't come in my house, what are you
- 4 doing?" You don't say that, do you?
- 5 A They charge in my house and the first thing came from
- 6 Sergeant Wehby mouth, "I want to question the kids," and I
- 7 said, "No." Then they ask, "Where's Muhammad?" I said, "I
- 8 think he's upstairs." They start walking toward the stairs,
- 9 I said, "Stop, don't," "We are going upstairs to get him."
- 10 They went upstairs and got him downstairs.
- 11 Q Okay, so your testimony is that they prevented you from
- 12 going upstairs and they instead went upstairs?
- 13 A Correct.
- 14 Q Okay. Do you have any reason if that's the case while you
- 15 are downstairs and they are upstairs on page 2 of the
- 16 transcript of this whole thing, you know it's being recorded
- 17 you know, right?
- 18 A Excuse me?
- 19 Q This was being recorded, you know?
- 20 A What was being recorded?
- 21 Q This whole incident between you when you were screaming, you
- 22 were screaming at them, "I don't want you to talk to my
- 23 kids," you were screaming at them, right?
- 24 A Correct.
- 25 Q Yes, and that was very loud, everybody --

1 A Because --

2 Q -- could hear that?

3 A -- when it come to my kids the sky's the limit.

4 Q The sky is the limit, yes. Yes. And you just screamed

5 really loud --

6 A Yes.

7 Q Okay.

8 A Mm-hmm.

9 Q Do you have any reason why, on page 2 of the transcript,

10 Muhammad says to Detective Wehby, "Should I come with you

11 guys," and he says, "Yeah, we're just gonna go downstairs

12 and wait for your dad to come down."

13 A You're asking me --

14 Q "I think he's just looking for your sister."

15 A I'm sorry --(undecipherable)-- can you repeat what did you

16 just said?

17 Q Why would Wehby say after Muhammad says, "Come down with you

18 guys," he said, "Yeah, we're just gonna go downstairs and

19 wait for your dad to come down"?

20 A "Waiting for my dad to come" --(undecipherable)-- your dad

21 to come down? I have no clue what you're talking about.

22 Q Your son is -- Wehby says to your son, "We're gonna wait for

23 your dad to come down."

24 A Okay --

25 Q Who is Muhammad's dad?

1 A Me.

2 Q Okay, so he's talking about you?

3 A Sure.

4 Q Okay --

5 A I think --

6 Q -- why is he saying that if you're already downstairs?

7 A I have no idea, ask Wehby.

8 Q You have no idea why he's saying that?

9 A Nope.

10 Q He's lying then, he must be lying?

11 A Are you asking me to judge what he was doing?

12 Q I'm just saying --

13 A I told you I have no idea what he was talking about.

14 Q Okay. Now, you said earlier too that they had barged into

15 your house, correct?

16 A Correct.

17 Q They barged in, and that's -- you definitely -- that's what

18 happened?

19 A Correct.

20 Q Okay. All five of the guys barged in?

21 A Correct.

22 Q Okay, and you were not allowed to go anywhere inside the

23 house, right? That's what you said?

24 A Correct. For sure not upstairs to see my son.

25 Q And a uniformed police officer stays with you downstairs

1 while the other police officers go upstairs?

2 A Correct.

3 Q All right, and what are you saying to him?

4 A Nothing. As far as I remember. What should I say to him?

5 Q All right, when they come downstairs with your son you said

6 you continued to argue with them.

7 A Correct.

8 Q What were you saying?

9 A We -- me and the kids need to leave right now to go and eat

10 after picking up Aya from the street. And they said, "No,

11 nobody's leaving." I said, "What do you mean?" He said,

12 "Nobody's leaving." Then I said, "My daughter is waiting

13 for me expecting me to be there in few minutes," he said,

14 "I'm gonna send an officer to go and pick her up." Sergeant

15 Wehby told me that. I said, "No way. Why you sending an

16 officer to further traumatize my child? Her mother just

17 died yesterday to scare her, what is the reason?" Then he

18 paused, he start thinking what I was like complete refusing

19 and getting, you know, upset with --(multiple speakers)-- he

20 insisted to coerce my kids and I told him, "I am the one who

21 got talk to" -- "me and my kids to go to Aya." Then

22 eventually he tell me, "Only you go and pick up" and he

23 refused to let Muhammad and Sidra to be with me.

24 Q He refused?

25 A Hundred percent.

- 1 Q He said that out loud to you?
- 2 A Yes.
- 3 Q In so many words.
- 4 A He said, "Only you go and pick her up and come right back
5 and we gonna be waiting here."
- 6 Q Who's standing around when you were saying that?
- 7 A Molloy, I think Hammond and the other police officer in
8 uniform.
- 9 Q Okay, so -- and you're saying all this stuff so everybody
10 can hear it?
- 11 A Hundred percent clear.
- 12 Q Sure. Okay. Have you ever read the transcript of this
13 encounter that you had with --(multiple speakers).
- 14 A Have I read the transcript? Yes.
- 15 Q You have?
- 16 A Yes, I did.
- 17 Q Okay. Did you know where that occurs in the transcript?
- 18 A No, I don't know because I read it long time ago.
- 19 Q Did you ever see it in the transcript?
- 20 A I don't remember, Sir.
- 21 Q You don't -- you can't remember?
- 22 A I cannot remember. It's been for few months.
- 23 Q What if I told you it's not in the transcript?
- 24 A Okay.
- 25 Q Then what?

1 A Then I don't know.

2 Q You don't --(multiple speakers)--

3 A Then you --(multiple speakers)--

4 Q What do you mean then you don't know?

5 A The officers -- then you ask the officers why it's not

6 recorded.

7 Q So you're telling me they turned off the recording?

8 A Missing that part.

9 Q Oh, that part is missing?

10 A Yes.

11 Q But everything else is there?

12 A Most likely.

13 Q Most likely.

14 A Yes.

15 Q Well, when you read the transcript and you didn't see that

16 did you tell the lawyers?

17 A Absolutely.

18 Q You told them all of this stuff that I said was not on the

19 transcript?

20 A Again, I said I don't remember seeing it but you're asking

21 me about something I read within the past 14 months.

22 Q But at the time that you read it did it strike you as

23 strange that the things you were arguing with them about,

24 you were screaming at them --

25 A Yes, absolutely.

- 1 Q -- that those things are not even in the --
- 2 A Absolutely.
- 3 Q -- transcript?
- 4 A Yeah.
- 5 Q And you didn't -- did you say anything to your attorneys,
- 6 were you outraged?
- 7 A Yes.
- 8 Q And did you tell your attorneys there, they're lying and
- 9 they've -- you eliminated some of the things I said, did you
- 10 tell them that?
- 11 A Tell them they were lying?
- 12 Q Did you tell them they've eliminated some of the things I
- 13 said, they turned off the tape recorder?
- 14 A What I remember I said that I don't see the introductory
- 15 part of the recording in the transcript, which describing
- 16 all this thing. Me not consenting to talk to my kids, me
- 17 requesting an attorney, their refusal for me to go and pick
- 18 up Aya with the kids.
- 19 Q And that continued though throughout the entire
- 20 conversation, even when you were leaving, when you left you
- 21 were still yelling, correct? That's what you said?
- 22 A I didn't say I was yelling when I left. I do not know from
- 23 where we brought that (ph)?
- 24 Q Okay. You said that you wanted to go to the basement to
- 25 pray, is that right?

1 A Yes. Yep.

2 Q And they said, "No"?

3 A Yep, we pray here.

4 Q You pray here.

5 A You and your son.

6 Q Okay.

7 A In front of us.

8 Q And who said that?

9 A I'm not sure, maybe Wehby or Molloy, one of those two.

10 Q You don't remember who said that?

11 A Nope.

12 Q Where were you when they said that?

13 A Where I was? Still staying in front of the stairs in the

14 main entrance behind the door in the foyer area.

15 Q You never moved from that area?

16 A Nope.

17 Q Okay, never went upstairs?

18 A Nope. They didn't allow me.

19 Q When you said that when you leave there are police cars up

20 and down your driveway, six or seven --

21 A Correct.

22 Q -- police cars?

23 A Correct.

24 Q Including marked cars?

25 A Correct.

1 Q How many marked cars?

2 A Maybe three or four.

3 Q Three or four marked cars?

4 A Yes.

5 Q Okay, they say --

6 A Again, 14 months ago, Sir, so.

7 Q Okay. You said when they were escorting you back up to the

8 house --

9 A Yes.

10 Q -- that you told them that you felt like you were under

11 arrest.

12 A I don't exactly remember the verbatim but if I did not say

13 it for sure I -- that's the way I felt it, yeah. I'm like

14 --

15 Q Well, wait a minute, I thought you had said that to

16 somebody? You said before that you said that you felt like

17 you were under arrest. You told them and you said that you

18 hijacked my house and my kids.

19 A No, I didn't say they hijacked my house or my kids, I felt

20 that Wehby, basically, he hijacked on my kids. That's what

21 I felt. So I told her that this is unbelievable what he's

22 doing. I need to go back again. But again, you know, it's

23 14 months and you can imagine, you know, the surge of

24 emotions and the upset mode I was in, so.

25 Q Now all this time you had to wear a GPS tether, right?

1 A All that -- I was wearing GPS tether right there,
2 absolutely.

3 Q Right. So they -- your probation -- and that was because
4 you were on probation from the domestic violence --(multiple
5 speakers)--

6 A Which was dismissed.

7 Q Okay, but you're still on the GPS --(multiple speakers)--

8 A At that -- at that moment, yes.

9 Q And that was from what?

10 A When I stopped wearing the GPS tether?

11 Q Why are you continuing to wear the GPS tether if your
12 domestic violence case had been dismissed?

13 A It was dismissed after that.

14 Q Oh, it's dismissed after this?

15 A Yes.

16 Q Okay, so that -- you're still wearing the GPS tether because
17 --

18 A Correct.

19 Q -- you're still on probation from the domestic violence --

20 A At that -- at that time, correct, yes.

21 Q And the domestic violence was committed against your wife,
22 Nada, who died?

23 A That was the charge.

24 Q Yes.

25 A I was charged with and then was dismissed in April two

1 thousand --

2 Q Okay, but in the meantime that was dismissed --

3 A -- eighteen.

4 Q -- pursuant to a plea bargain, correct? You pled and then
5 pursuant to one of the statutes it allowed it to be
6 dismissed, correct?

7 A The case was dismissed.

8 Q Right, okay. 769.4a, that's what it was dismissed under,
9 isn't that correct?

10 A I think so.

11 Q Right. Okay. And that's that, you know, it's not that
12 you're --

13 THE COURT: Okay. Excuse me, I know what
14 provision, I realize you're saying that for the record, I
15 know what provision it would have been dismissed under but
16 it was dismissed in April?

17 THE WITNESS: Yes, Ma'am.

18 THE COURT: It couldn't have been, Sir.

19 THE WITNESS: Your Honor. April 2018, your
20 Honor.

21 THE COURT: It could not have been --

22 MR. SKRZYNSKI: 2018 he said.

23 THE WITNESS: 2018, your Honor.

24 THE COURT: '18.

25 MR. SKRZYNSKI: This is 2017.

1 THE WITNESS: This year.

2 THE COURT: Thank you. I'm so sorry.

3 MR. SKRZYNSKI: Okay.

4 THE WITNESS: That's okay, your Honor.

5 THE COURT: Okay. This year, okay.

6 THE WITNESS: Correct.

7 THE COURT: Thank you.

8 BY MR. SKRZYNSKI:

9 Q Okay, so while you're on that GPS tether your -- it's being

10 monitored where you're going, right?

11 A Hundred percent.

12 Q And you know that you're not allowed to be in this

13 particular zone around the house, right?

14 A Yes, I do.

15 Q Okay. That's -- you're not supposed to do that?

16 A No. I was subpoenaed (ph) by the police.

17 Q Okay. All right, on August the 22nd would it surprise you

18 if the records of your GPS tether indicate that you left the

19 restricted area, that's the area by your house, at 3:27

20 p.m.? Does that sound right?

21 A I -- it sounds right, yes.

22 Q And that those records indicate that you went to the library

23 at the parking lot on 12 Mile Road from 3:34 to 3:39, that's

24 five minutes?

25 A Correct, that what I just said.

- 1 Q Okay, so between the time you left at 3:27 to the time you
- 2 left the parking lot at the library is already 12 minutes,
- 3 right?
- 4 A You just told me that.
- 5 Q Yeah, well you told us before the whole -- you got -- you
- 6 went there, you came back, it was seven minutes.
- 7 A I said seven, eight minutes.
- 8 Q Okay, so it's 12 minutes and you're not even gone out of the
- 9 parking lot yet.
- 10 A So I miscalculate four minutes over fourteen months.
- 11 Q Is the reason why you were in the parking lot because you
- 12 were on the phone to an attorney?
- 13 A Repeat the question please.
- 14 Q Is the reason why you stayed at the parking lot at the
- 15 library because you were on the phone to an attorney?
- 16 A No, because I was looking for Aya. If you may allow me to
- 17 explain?
- 18 Q No, I just asked -- you answered my question, you said no.
- 19 All right, and then would it -- when you came back into the
- 20 exclusion zone you came back at 3:47 p.m.
- 21 A I just heard that from you first time, so.
- 22 Q Okay, but that -- you understand that they were tracking
- 23 your movements with GPS tether?
- 24 A Correct, hundred percent.
- 25 Q So that indicates you were gone from 3:27, you left the zone

1 at 3:27 and then you came back at 3:47, that's 20 minutes,
2 not 8 minutes, you understand?

3 A I understand that now but again --

4 Q All right, so if you --(multiple speakers)--

5 A (Multiple speakers)-- short time to go and come back, about
6 eight minutes.

7 Q Yeah; well -- but on this particular occasion it was 20
8 minutes, correct?

9 A Maybe extra minutes because I was looking for Aya because I
10 was not familiar with the library, where Aya, she's being
11 dropped. It's my first time pick up my daughter from that
12 area --

13 Q I see.

14 A -- so now you mentioned that I remember that I have --
15 (multiple speakers)--

16 Q Okay, but before -- see, the thing is, before you said you
17 were gone for seven minutes, you went and came back seven
18 minutes.

19 A Seven, eight minutes --(multiple speakers)--

20 Q Now when we got 20 minutes --

21 A Now you told me, you know, there are extra minutes, I'm
22 remembering that --

23 Q Oh, okay.

24 A -- because I have to look for Aya.

25 Q Okay, so the whole thing is, the times that you're

1 mentioning are not accurate, are they?

2 A They are not to the minutes, but maybe few minutes off, but
3 this is --

4 Q (Multiple speakers)--

5 A -- 14 months, Sir.

6 Q Wouldn't you agree there's a big difference between --

7 A No --

8 Q -- seven minutes and twenty minutes?

9 THE COURT: Let him ask the question please
10 before you start --

11 THE WITNESS: Sure.

12 THE COURT: -- to answer. Thank you.

13 BY MR. SKRZYNSKI:

14 Q Wouldn't you agree there's a difference -- a big difference
15 between seven minutes and twenty minutes?

16 A I don't agree.

17 Q Pardon?

18 A I don't agree.

19 Q So 13 -- okay, fine. You don't agree, fine. You said that
20 you came to your house and did you come up to the door by
21 yourself?

22 A (Undecipherable).

23 Q When you came back onto the premises after you picked up
24 Aya?

25 A No, I said handful of times I was escorted by -- back by two

1 police officers.

2 Q Okay, and those officers were whom?

3 A Officer Bretz and Officer Wanderski (sic) I think her name.

4 Q Okay. And you said you went to the door and you rang the

5 bell seven or eight times, right?

6 A Yes.

7 Q Was the door locked?

8 A Yes.

9 Q The door was locked and you had to ring the bell seven or

10 eight times?

11 A Yes.

12 Q You didn't have a key to get into your house?

13 A No, I didn't have a key.

14 Q Okay. And incidentally, you were angry at the foot of the

15 driveway when you first got there because you were not being

16 allowed to come back to your own premises, correct?

17 A Correct.

18 Q You're the owner of those premises and you wanted back on,

19 correct?

20 A I'm sorry?

21 Q You're the owner of those premises and you want to come back

22 in, correct?

23 A Correct.

24 Q All right. And as far as you're concerned you have a right

25 to come back onto those premises?

1 A Yes.

2 Q Sure. So you ring the bell seven or eight times, and you

3 said that finally somebody comes to the door?

4 A Yes.

5 Q And that's Wehby?

6 A Most likely, yes.

7 Q Well, wait a minute, is it Wehby or not? You seem to

8 remember everything else so well.

9 A I said most likely, yes.

10 Q Well, is it him or not?

11 A If you're gonna force me yes or not, I am not allowed to say

12 most likely, then I have no other recourse but to say yes.

13 Q Okay, fine. And you said that once you get into the house

14 you see that your son is crying and you said that Molloy is

15 on top of him?

16 A Yeah.

17 Q Can you describe that?

18 A He was charging on him --

19 Q Charging on him? Okay.

20 A Yes. Talking to him and then he charge on me, kicking me

21 out of my house. He said, "Stay out."

22 Q Okay, and he kicks you out and --

23 A Correct.

24 Q -- where do you go?

25 A Outside the door with Wehby.

1 Q Okay, you're still in the house?

2 A Pardon?

3 Q You're still in the house?

4 A I said outside the house.

5 Q So you're outside the house. Well, don't you at some point

6 come back into the house and tell everybody, "I want this to

7 stop"?

8 A Right when I came, like, "What you are doing," when I saw

9 Muhammad crying, the detectives talking to him, and then I

10 was kicked out of the house.

11 Q So you don't go on speaking after you come back in and stop

12 everybody from talking?

13 A I don't understand your question.

14 Q You don't continue to talk?

15 A I don't continue to talk?

16 Q In the house after you've come in and you said Molloy told

17 you to get out?

18 A Yes.

19 Q And you got out?

20 A I spoke with them, I couldn't start talk to my son, he tell

21 me, "Step out," and he -- Wehby took me outside the house.

22 Q Now, you told them, "I told you not to talk to my son while

23 I was gone," you told them that, right?

24 A I told them, "I told you not to talk to my son," yes.

25 Q All right, you didn't tell them it was okay for you -- for

1 them to talk while you were gone?

2 A No. I said --(multiple speakers)--

3 Q And isn't that back before --(multiple speakers)-- you

4 answered my question. As a matter of fact, before you left

5 you told them, "I don't -- I don't want you to talk to my

6 son until I get back."

7 A I didn't say that.

8 Q What did you say?

9 A Ask me specifically what time and when.

10 Q Before you left to get out of there.

11 A So on my way -- on my way out to go to my car to get Aya,

12 again, the Officer Molloy, who doesn't take no for an

13 answer, again, he coming telling me -- or asking me to give

14 him permission to talk to -- to talk to my son, Muhammad. I

15 told him no. We start arguing. Then --

16 Q You're arguing, what do you mean you're arguing?

17 A Me and him, like, no, and then my son --

18 Q What do you mean arguing? What does that mean? What did

19 you say?

20 A He wanted me consent, I said, "No." And then my son looking

21 at me like, what's going on --

22 Q This is happening in the house, right?

23 A At the door, to the car.

24 Q Wait a minute, at the door to the car, you mean you're

25 outside?

1 A At the door to the garage where my car is behind that door.

2 Q All right, so the door to the -- all right, so you're there
3 and you're -- he's arguing with you except what is he saying
4 to argue with you?

5 A We want to ask Muhammad questions.

6 Q But you said you're arguing.

7 A Okay, so he's again wants to get my permission to talk to my
8 son and right there I said, "No," then Muhammad is saying,
9 "What's going on?" I told him, they said is it okay to talk
10 to you and he's, "No," and I'm like, "No." At this moment
11 Wehby will intervene. I thought -- try to save the moment,
12 he said, "No big deal, we were trying to nail down some
13 times but nothing big." He is not -- or she's not feeling
14 well. I said, "Okay," so my kids are not feeling well,
15 which I was consistently repeating --

16 Q Wait a minute, who said he's not feeling well?

17 A Wehby. The last thing he said -- something about they --
18 she or he not feeling well. The last thing I heard --

19 Q Wait a minute, saying who's not feeling well?

20 A Wehby is saying again, we were going to nail down some
21 times, nothing big deal, he's not feeling well, or she's not
22 feeling well. Like my kids, Muhammad and Sidra, they are
23 not feeling well. I said, "Okay," and I left, so I'm
24 leaving. That's what I said okay for.

25 Q The detectives told you that your kids were not feeling

1 well?

2 A Yes. (Multiple speakers).

3 Q At that point you left?

4 A On -- yes, on my way --(multiple speakers)--

5 Q Did you go find -- you didn't go and find out what was wrong
6 with your kids --

7 A No, I know what's wrong with my kids --(undecipherable). I
8 told them -- I'm the one who brought -- keep bringing this
9 to them and Muhammad refused to --

10 Q So you didn't go and find out what was wrong with your kids
11 at that point, correct?

12 A Sir?

13 Q Yes or no? That's a yes or no answer, yes or no?

14 A I left the house to get my daughter.

15 Q You did -- without going to check on your kids to see what
16 was wrong with them. He just told you your kids are not
17 feeling well.

18 A He's telling me something I already know and I'm treating my
19 kids for, Muhammad.

20 Q You said Muhammad had an ear infection he was being treated
21 with medicines and --

22 A Correct.

23 Q -- pills for pain --

24 A Correct.

25 Q What kinda pills for pain?

1 A Tylenol I think.

2 Q Tylenol. And you had prescribed that?

3 A It's over the counter, Sir.

4 Q Okay, so what else was he taking?

5 A (Undecipherable)-- drops, which is antibiotic drops mixed

6 with steroids, ear drops.

7 Q Okay, so he's putting ear drops in his ear?

8 A Correct.

9 Q Did you see that happen?

10 A Yes.

11 Q When?

12 A The day before on the same day they came to me.

13 Q At what time?

14 A (Multiple speakers)-- Tuesday.

15 Q At what time?

16 A What time what? Morning of the same day just before they

17 came and took the DVR and the previous day, like morning and

18 evening.

19 Q Okay. And then when you come back you said, "I told you not

20 to talk to him."

21 A Absolutely.

22 Q Okay.

23 A I told that to the officer in the driveway like three, four

24 times and then I told all of the officers.

25 Q Okay, but you kind of already knew what Muhammad was gonna

1 say, didn't you?

2 A What?

3 Q You knew already what Muhammad would say to the police,
4 didn't you?

5 MR. SCHIANO: Objection, Judge, as to what my
6 client -- he knew what my client was gonna say.

7 MR. SKRZYNSKI: Yeah, that's the question.

8 THE COURT: That's the question, he can say

9 --

10 THE WITNESS: No.

11 THE COURT: -- yes, he did or no, he didn't.

12 MR. SCHIANO: Only if he knows.

13 THE WITNESS: I did not know even they are
14 allowed to talk to him, so later on --(undecipherable)-- I
15 know -- I didn't think there would be a conversation to
16 begin with.

17 BY MR. SKRZYNSKI:

18 Q Well, you knew on the -- on August the 21st at 4:27 in the
19 morning that you placed a phone call to Muhammad at 4:27 in
20 the morning on August the 21st, correct?

21 MR. SCHIANO: Judge, I'm going to object,
22 that's beyond the scope of the hearing as to what happened
23 before any conversations happened between the police
24 department and my client. This is --

25 MR. SKRZYNSKI: Not the police department.

1 MR. SCHIANO: This has to do with the
2 voluntariness part of the case. Any calls he made a day
3 before with the defendant has nothing to do with the
4 voluntariness for Miranda issues whatsoever.

5 MR. SKRZYNSKI: Well, can I develop that a
6 little bit?

7 THE COURT: Certainly.

8 MR. SCHIANO: This is a fishing trip then,
9 Judge.

10 BY MR. SKRZYNSKI:

11 Q You knew --

12 THE COURT: Okay, let him develop it and I'll
13 decide whether or not it goes on. Go ahead.

14 BY MR. SKRZYNSKI:

15 Q You knew you were not really concerned about the police
16 talking to your son because you and your son had already
17 spoken about this whole thing, correct?

18 A That's a lie.

19 Q Okay, so you had not called your son like I'm saying at 4:27
20 in the morning on the previous -- on the previous day, the
21 day that his mother died --

22 A Is there evidence -- (multiple speakers) --

23 MR. SCHIANO: Judge, I'm going to continue --
24 I'm going to continue to object because this is the day
25 before, Judge. We're talking about -- there's a very

1 specific issue before the court here, as to whether or not
2 this statement was voluntary or not. Nothing that had to do
3 with what happened the day before.

4 MR. SKRZYNSKI: Now wait, the statement's not
5 about whether it was voluntary or not. This is a hearing to
6 determine if the defendant was in custody and that's gleaned
7 from the objective circumstances. It's not a voluntariness
8 hearing. Those are different tests and I'll be glad to
9 argue that to this court til I'm blue in the face.

10 MR. SCHIANO: Judge, even if it's just that
11 issue on custody what does that have to do with something
12 that happened the day before?

13 MR. SKRZYNSKI: This goes to his credibility
14 because he's not concerned about the police talking to his
15 son because he's had plenty of contact with his son before
16 this. As a matter of fact, he had contact with his son
17 during the course of the incidents that arose that caused
18 the death of his wife and the throwing of her out the
19 window.

20 MR. SCHIANO: And this is just speculation,
21 Judge. He has no idea what conversations, if any, occurred
22 between the two. He has some telephone calls, doesn't know
23 what the content of those calls are, he's just speculating.
24 This has nothing to do with this hearing.

25 THE COURT: He can certainly inquire as to

1 what was discussed during those phone calls.

2 MR. SCHIANO: And how -- I apologize for
3 being flippant, but how is that relevant to the area -- idea
4 of custody and then -- (undecipherable)?

5 MR. SKRZYNSKI: As I said, Judge, this goes
6 to his credibility. He's portraying the police like armed
7 gangsters charging into his house, barging into his house,
8 preventing him from moving around, hijacking his house and
9 his children. Those are his words. And he's painting a
10 completely different image and completely different picture
11 of what this court has heard over the last several hours
12 regarding what the police did at the time. It's -- as a
13 matter of fact, his statement is so different from what the
14 detectives talked about that I think that I should be
15 allowed to test his credibility, and in testing his
16 credibility what I'm saying is that he was not concerned --
17 my theory is, he's not concerned about what his son was
18 gonna say because he already knew about it, he already knew
19 what his son was gonna say, because they had spoken about it
20 during the event itself.

21 MR. SCHIANO: This appears to be, Judge, with
22 all due respect, nothing but a fishing trip down a road that
23 has no relevance to what we're doing here today. Mr.
24 Skrzynski's theory, while I respect him totally, can have
25 all the theories he wants, we're dealing with a very

1 specific issue here. Not to deal with something where his
2 theory is whether or not they had contact or not the day
3 before. And you get -- his credibility is always at issue,
4 Judge. What we're dealing with here is beyond the scope of
5 direct examination here. He's going on some issue where he
6 wants to go on a fishing trip. It's a fishing trip on
7 something that is his own theory. That's great, we can do
8 that at trial if he testifies, but not at a hearing that has
9 nothing to do with this -- that issue.

10 THE COURT: Let's stick to the issue of
11 custody.

12 MR. SKRZYNSKI: Okay.

13 BY MR. SKRZYNSKI:

14 Q So your testimony is that the police detained you at the end
15 of the driveway for about 25 to 30 minutes, is that what
16 you're saying?

17 A How many minutes again?

18 Q Twenty-five to thirty minutes.

19 A Around that time, yes.

20 MR. SKRZYNSKI: I have nothing further. Oh,
21 wait. I might.

22 BY MR. SKRZYNSKI:

23 Q You said before that you didn't have a key to get into your
24 house, is that correct?

25 A Correct.

1 Q All right. Did you get a key after that, after this
2 incident?

3 MR. SCHIANO: Judge, objection. Is there
4 something relevant about that today?

5 MR. SKRZYNSKI: Well, Judge, you know, I'm
6 trying to test --(multiple speakers)--

7 THE COURT: That, I'll allow him to answer..

8 MR. SKRZYNSKI: -- his statements on --

9 THE COURT: Go ahead and answer the question.

10 BY MR. SKRZYNSKI:

11 Q Yeah, did you get a key afterwards?

12 A No.

13 Q You never had a key afterwards?

14 A No.

15 Q Did you ever give your friend, Bashar (sp), a key to go to
16 your house in September?

17 A I didn't have a key to give to nobody.

18 Q So you didn't give one to him?

19 A No.

20 Q And if you had told the police that when he came in to your
21 house in September -- you got a call in September about
22 Bashar being in your house, didn't you?

23 A Excuse me?

24 Q You got a call about Bashar --

25 A Yes.

1 Q Bashar Solkany (ph), being in your house --

2 A Yes.

3 Q -- because you sent him there?

4 A Nope.

5 Q You did not send him there?

6 A That's a lie.

7 Q So he told the police a lie?

8 A I don't know what he told the police, Sir. You ask me

9 question, I'm answering you back.

10 Q Okay. You got called down that night too, didn't you?

11 MR. SCHIANO: Judge, this is September, a

12 month after this, I'm not --(multiple speakers)--

13 MR. SKRZYNSKI: Well, Judge, he's saying --

14 MR. SCHIANO: -- has anything to do with

15 something happening in August.

16 MR. SKRZYNSKI: He says he doesn't have a key

17 and --

18 THE WITNESS: Yes.

19 MR. SKRZYNSKI: -- he never had a key.

20 THE WITNESS: Okay.

21 THE COURT: He --

22 MR. SKRZYNSKI: Never mind, Judge, I'll

23 withdraw it. I'll withdraw it.

24 THE COURT: Very well. Do you have any --

25 MR. SCHIANO: No.

1 THE COURT: No? Step down.

2 (At 3:05:10 p.m., witness excused)

3 MR. SCHIANO: We have no further witnesses.

4 We're done.

5 THE COURT: Do you have another witness or
6 not?

7 MR. SCHIANO: We do not.

8 THE COURT: You do not, all right.

9 MR. SCHIANO: We rest.

10 THE COURT: Any rebuttal?

11 MR. SKRZYNSKI: No.

12 THE COURT: Okay.

13 MR. SCHIANO: Judge, my request would be to
14 submit some law to the court. I know the court indicated it
15 wasn't going to make a decision today but I'd like some time
16 to submit some --(undecipherable)-- and argument if that's
17 okay with the court?

18 MR. SKRZYNSKI: Well, I'm --(undecipherable)
19 -- right now. I mean, I thought --

20 MR. SCHIANO: I would like to submit, Judge.
21 Again, I apologize, I -- I think that there's a number of
22 issues here. I ordered the transcript, I'd like at least to
23 put some things in writing for the court. I apologize,
24 that's...I can have something to the court within 10 days at
25 the longest.

1 MR. SKRZYNSKI: Well, then I need some time
2 to answer it too.

3 MR. SCHIANO: I'll try to get it within a
4 week, Judge.

5 THE COURT: Well, you know, I'm getting this
6 feeling here that this trial is going to be looking like
7 it's going to be pushed back again and I would prefer not
8 to. I told you that before because I keep getting all of
9 these arguments about this young man being in custody, on
10 and on and on, and I keep saying I want to try this case,
11 but things keep happening.

12 MR. SCHIANO: Judge, I just ask you for seven
13 days. I will get something to the court within seven days.

14 MR. SKRZYNSKI: Judge, I don't want to
15 prejudice his ability to put on a defense because I
16 certainly don't want to try this case again if we never get
17 to --

18 THE COURT: Well, I don't want to prevent
19 either side from putting on their case. What I'm saying is,
20 that I don't want to hear arguments about the fact that this
21 young man is being detained when I have been trying to get
22 this case over and done with for quite a while. And I
23 understand this is not an easy case and I'm not trying to
24 push anybody because this young man deserves his day in
25 court with a complete trial and presentment of the evidence

1 against him and his defenses.

2 MR. SCHIANO: Thank you.

3 THE COURT: So, I will give you one week to
4 get your law in and I will give you one week to reply, so.

5 MR. SKRZYNSKI: And that starts to run as of
6 today, Judge? A week from today?

7 THE COURT: Yes. So, yours will be due on
8 the 15th, Mr. Schiano, and yours will be due on the 22nd, Mr.
9 Skrzynski.

10 MR. SKRZYNSKI: Thank you.

11 THE COURT: All right?

12 MR. SCHIANO: Thank you, Judge.

13 THE COURT: Thank you.

14 MR. HART: And I'm sorry, Judge, will the
15 court then be issuing a written opinion or are we coming
16 back for an opinion?

17 THE COURT: I probably would like to just do
18 it on the record but it's going to take me a while to go
19 through my --

20 MR. HART: Just give us a date to come in.

21 THE COURT: -- my two books. Once I get --
22 once I get your final pleadings then I will let you know
23 when I will render my decision on the record.

24 MR. HART: Thank you, Judge.

25 THE COURT: Okay?

1 MR. SKRZYNSKI: Thank you, your Honor.

2 MR. KEAST: Thank you, your Honor.

3 THE COURT: Thank you.

4 (At 3:08:35 p.m., hearing concluded)

5

CERTIFICATION

This is to certify that the attached electronically recorded proceeding, consisting of two hundred sixty-nine (269) pages, before the 6th Judicial Circuit Court, Oakland County, Michigan:

PEOPLE OF THE STATE OF MICHIGAN

v

MUHAMMAD AL-TANTAWI

_____ /

Location: Pontiac, Michigan

Date: Monday, October 8, 2018

was held as herein appeared and that this is testimony from the original transcript of the electronic recording thereof, to the best of my ability.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernible on the electronic recording of the proceedings.

/s/ Sally Fritz

Sally Fritz, CER #7594
Certified Electronic Recorder

Dated: November 25, 2018

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PEOPLE'S APPENDIX C

**Court's Ruling
(Complete Transcript), 11/20/2018**

STATE OF MICHIGAN

6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN

v

File No.: 2017-265355-FJ

MUHAMMAD AL-TANTAWI,

Defendant.

EVIDENTIARY HEARING, JUDGE'S RULING

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Tuesday, November 20, 2018

APPEARANCES:

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WITNESSES: PEOPLEPAGE

None

WITNESSES: DEFENDANT

None

OTHER MATERIAL IN TRANSCRIPT

None

EXHIBITS:INTRODUCEDADMITTED

None

1 Pontiac, Michigan

2 Tuesday, November 20, 2018 - 9:20:05 a.m.

3 THE CLERK: Your Honor, calling People versus
4 Al-Tantawi, case number 2017-265355-FJ.

5 MR. SKRZYNSKI: Morning, your Honor, my name
6 is John Skrzynski, I'm here for the People.

7 MR. KEAST: Thank you, Marc Keast on behalf
8 of the People.

9 MR. SCHIANO: Judge, good morning, Michael
10 Schiano on behalf of the defendant.

11 MR. DASS: Good morning, your Honor, Clarence
12 Dass on behalf of the defendant, who's present.

13 THE COURT: Good morning, counselors, you may
14 be seated. All right, we're here this morning to render --
15 the court -- to hear the court's opinion with respect to the
16 evidentiary hearings that the court had in this matter as it
17 relates to the consent to seize the DVR and also with
18 respect to the request to suppress the statements that were
19 made by the defendant.

20 As you will remember, we had actually two
21 separate hearings in the sense that we dealt with one issue
22 first and then the other, so I we'll start with the consent
23 issue. And I just want to note for the record that in
24 addition to sitting through the hearing, of course, I
25 reviewed the written transcripts, I also listened to the

1 actual tapes of the transcripts that were presented as part
2 of the evidence in this matter. In addition to that, I did,
3 of course, review all of your, excuse me, all of your
4 memoranda that you submitted subsequent to the evidentiary
5 hearing.

6 And the situation that brings us here is that
7 the victim in this matter was alleged to have fallen out of
8 the bedroom window of one -- one of the bedroom windows of
9 her home allegedly while she was cleaning the window. In
10 reviewing the situation by the police, they felt that it was
11 -- appeared to be an odd situation in that it did not appear
12 to be accidental, but they weren't certain. They did know
13 when they arrived on scene by a number of the officers and
14 the detectives that there were cameras positioned throughout
15 the -- at least the exterior of the home.

16 They had asked both the defendant and the
17 defendant's father as to whether or not those cameras were
18 activated. Both indicated that they were not.

19 Subsequently, the police received information from
20 individuals that the cameras, indeed, were activated and
21 were working. Then the detectives returned to the home on
22 the day after the death and requested to see if they could
23 find the cameras, number one, and secondly, if they were
24 actually activated to be able to take them.

25 Now, the issue of consent, of course, is --

1 when the issue of consent is alleged the burden is on the
2 prosecution to prove by clear and convincing evidence that
3 the consent was unequivocal and specific, freely and
4 intelligently given. And consent though is a question of
5 voluntariness to be determined from the totality of the
6 circumstances and those circumstances must be examined by
7 the court.

8 The case law also indicates that the
9 prosecution does not need to demonstrate that the defendant
10 had knowledge of the right to refuse to allow the search,
11 only -- it's only but one factor to be considered. And I
12 want to point out here that that knowledge here does not
13 refer to the defendant himself but to his father. And the
14 conduct itself can, under proper circumstances, be
15 sufficient to constitute consent.

16 And it is the duty of the trial court in its
17 position to decide the questions of credibility, which
18 oftentimes is the linchpin of the consent analysis. And
19 there are certain factors that must be looked at by the
20 court as outlined under *U.S. versus Lewis*, a United States
21 Supreme Court decision, that sets out factors that are
22 supposed to be looked at by the court to aid in determining
23 voluntariness of the consent.

24 And the easiest ones to deal with is that the
25 defendant's father in this matter, of course, was not a

1 youth, he was certainly a middle-aged man who was a very
2 well educated. He, himself, said he had 44 years of
3 education. The information in this matter was not
4 unlawfully obtained. There was no requirement to give
5 Doctor Al-Tantawi is Miranda rights. There was no detention
6 as it relates to Doctor Al-Tantawi. There was no use of
7 threats or coercion.

8 The surroundings, of course, do not come into
9 play as it was his home. His movements were not restricted.
10 He was cooperative from what I could tell from both the
11 transcript and the actual recording. And I believe there
12 were two, possibly three officers that were present during
13 that time. No one told the defendant he either needed to
14 give consent or did not need to give consent.

15 What was indicated by the officers was that
16 basically, that people had been calling about the unusual
17 circumstances surrounding the death of his wife and that
18 hopefully the cameras would show something that would put
19 all of those questions to rest, and that it would aid them
20 and finding out exactly what had happened the evening
21 before.

22 The officers arrived at the home, they
23 knocked. Doctor Al-Tantawi let them in. They -- as I said,
24 they indicated about the phone calls that they had received
25 and that the cameras were actually activated. They asked if

1 they could look around for the DVR, Doctor Al-Tantawi says
2 yes, they can, and then he allows them in. Actually, he
3 shows them different locations where equipment could be
4 found, none of that equipment was operational so the officer
5 contacted the individual who installed the equipment and
6 they were told where the equipment was located. The doctor
7 show them to that area, he was with them the whole time.
8 Once the DVR was located it was found to be operational.

9 There was, from what I could tell, some
10 statement made by one of the detectives to Detective Molloy
11 about a form and Detective Molloy indicated that it was not
12 needed, and since the doctor was not a suspect in this
13 matter there was no need to provide him with the form.

14 When the detectives asked if they could take
15 the DVR the doctor did say, "So, I don't know," but then he
16 indicated that he said, "I guess, I don't have a problem
17 with that."

18 Now, although it's not pertinent to the issue
19 here, the court wants to note that Doctor Al-Tantawi had
20 already had experience with the criminal justice system. He
21 certainly would have been aware of his right not to let the
22 police into his home without a search warrant or once inside
23 to allow them to attempt to find the DVR. He was present
24 the whole time. He was not restrained. He followed the
25 officers, showed them where the device might be. There was

1 nothing in the totality of the circumstances that would lead
2 this court to believe that there was any coercion of any
3 kind to force Doctor Al-Tantawi to allow the police to take
4 the DVR.

5 There was one issue that was raised by the
6 defense in that if the court finds that the doctor was found
7 to have given consent then the consent was not valid as the
8 doctor had no authority to be in the house, therefore, he
9 had no authority to give consent to taking the property.
10 But this was a marital home. At that time the victim was
11 deceased so she certainly couldn't give any consent. Doctor
12 Al-Tantawi had a legal right to the property, it was his
13 home even though he may not have been living there, so he
14 would have been the legal owner and the only individual that
15 would have had authority to consent to allow the DVR to be
16 taken.

17 Therefore, This court finds that based upon
18 the totality of the circumstances that consent was properly
19 given and that the defendant's request to suppress the video
20 is denied.

21 Then the next motion was the motion to
22 suppress the statements of the defendant to Sergeant Wehby,
23 Detective Molloy and Detective Hammond. The defense
24 indicates that the police erred in a number of things.
25 First, that they did not have the defendant's father present

1 during the questioning, that they questioned him outside of
2 his presence. Also, that he was not provided his Miranda
3 rights in this matter, and Miranda requires that the rights
4 be given if an individual's deprived of his freedom in any
5 significant way.

6 And once again, in determining whether or not
7 to suppress these statements the court must examine the
8 totality of the circumstances. The court must look at the
9 circumstances surrounding the interrogation. Given the
10 circumstances would a reasonable person find that he was not
11 at liberty to terminate the interrogation and leave, and
12 it's an objective test to resolve the ultimate inquiry, was
13 there formal arrest or restraint on freedom?

14 And the defendant's Age is a factor but it's
15 only one factor to be considered and it is not necessarily
16 determined or a significant factor in every case.

17 What transpired here, based upon the
18 testimony that this court heard, was that after the police
19 looked at the video they wanted to return to the home and
20 question the children, but when they are initially went
21 there what they wanted was Doctor Al-Tantawi to bring the
22 children to the police station to be questioned and to be
23 interviewed there were everything could be recorded.

24 Doctor Al-Tantawi did not want that to occur.
25 He felt the children were traumatized enough as it was. He

1 didn't feel that taking them to the police station was the
2 appropriate thing to do and the police acquiesced and
3 indicated they would speak to the children at the home.

4 At that particular time the defendant was in
5 the house, as well as the youngest daughter, but the middle
6 child was at school and it was towards the end of the school
7 day, I believe, if my memory serves me correctly, and Doctor
8 Al-Tantawi indicated he had to go pick up his daughter from
9 the library. The police offered to have an unmarked police
10 car go pick her up so that he could be at the house while
11 they question the defendant, the doctor refused that inquir
12 -- that request and that he wanted to go and pick up his
13 daughter himself, which he was allowed to do.

14 The only thing the court can point to with
15 respect to the doctor's statement was when the police
16 indicated that they wished to have the children questioned
17 at the police station the doctor indicated, "Should I have
18 an attorney here?" And the police responded, "It's just
19 standard procedure." And in essence, they were trying to
20 get a timeline down as to what had occurred the day and
21 evening of the victim's death.

22 What ensued after that was, of course, the
23 discussion about pickup up Aya from the library and the
24 police were going to remain there. They asked before the
25 doctor left if they could speak with Muhammad, the

1 defendant, in his absence and although it's not part of the
2 actual written transcript, if you listen to the audio of the
3 discussion, the doctor must -- appears to be talking to the
4 defendant, Muhammad, and asked him if that was okay if they
5 talked to him and the defendant's answer is not completely
6 audible, but it appears that he seems to indicate he doesn't
7 have a problem with that, and the police do say they're just
8 trying to get the timeline down.

9 And so they begin to question Muhammad. The
10 question is -- takes place in the dining room of the family
11 home at the dining room table. They asked Muhammad where he
12 usually sets and he sits in the chair that he normally has
13 when he eats at that table. The detectives -- and other two
14 detectives sit across from Muhammad and Sergeant Wehby sits
15 at the head of the table, after he asks permission if it's
16 okay for him to sit there.

17 And they question Muhammad about what had
18 occurred the day preceding the death of his mother and they
19 do question him on -- with respect to certain things that he
20 says. He changes his, you know, his position as to where he
21 was, what he was doing, what was going on as the
22 interrogation continues.

23 Now, he's in his own home, a substantially
24 large home by all accounts, he's not handcuffed, he's not
25 told that he can't move from where he's sitting. According

1 to Sergeant Wehby's testimony he did get up at one point and
2 get himself some water and came back. The length of the
3 questioning was that it was slightly under 40 minutes. It
4 certainly was not an appreciable length of time that one had
5 to look at. He was never told that he was under arrest. He
6 certainly had no inclination to think that he was under
7 arrest and couldn't move about. And the only thing that
8 changed during the interrogation was when the detectives
9 indicated that they had looked at the video, that the video
10 showed that there was someone else in the room with his
11 mother, it appeared to be a male and that they knew that
12 there was more to what had happened other than what he was
13 telling them.

14 He certainly became more defensive add to
15 that point in time, but when he didn't want to -- when he
16 didn't want to talk about something or when he was done
17 talking about something he said so and he stopped. That was
18 it, he didn't want to say anymore. So he certainly could
19 have stopped talking at any point in time. He seemed to
20 indicate that he knew he could.

21 And as I indicated previously, he was not
22 restrained in any way. He didn't have handcuffs on, he
23 wasn't told that he couldn't move about. He did go get
24 water so he felt comfortable enough to do that even though
25 the defense indicates his liberty was taken from him because

1 he was in his own home and where else would someone go in
2 order to be free from questioning, other than their own
3 home, and since he was there he was -- is liberty was
4 restrained. However, as I indicated, he was in his own home
5 but the home was rather large, he certainly could have
6 gotten up from the table, removed himself and gone to his
7 room. There would be nothing that the police could do at
8 that point in time.

9 The defendant was not actually arrested at
10 the conclusion of the interrogation, although he was
11 arrested shortly thereafter.

12 The problem that the court had after sitting
13 through the hearing and then listening to the actual video
14 -- audio, excuse me, of the interrogation and also the
15 period of time before Doctor Al-Tantawi left and the period
16 of time after Doctor Al-Tantawi returned, was that the
17 doctor's testimony on this witness stand was not credible
18 based upon what I heard on the audio. He claimed that the
19 police barged in. He let them into his home.

20 There weren't any raised voices, there was no
21 arguing. Even during the whole discussion of bringing the
22 children to the police station Doctor Al-Tantawi was not
23 threatened, he wasn't told that he had to bring them down,
24 they just wanted them there to question them. He refused
25 and they acquiesced, "they" being the police acquiesced in

1 his request that the children be spoken to at home.

2 He certainly, when asked if the detectives
3 could speak with Muhammad while he went to pick up Aya, he
4 looked at Muhammad and asked him if that was okay with him
5 and it appears from the audio that Muhammad said, "yes," and
6 that's the way it proceeded.

7 When Doctor Al-Tantawi returned -- oh, the
8 other thing that the doctor indicated was that his house was
9 swarming with police. That doesn't appear to be the case.
10 There were police outside the home but they weren't visible
11 to anybody that was inside the home where Muhammad was at.
12 And it also didn't appear that there were more than three
13 people -- three officers in the home during the time that
14 Doctor Al-Tantawi was there, and even subsequent to that.
15 Those are the -- there's only three voices, other than the
16 defendant's, that are heard on that tape.

17 The other thing is when Doctor Al-Tantawi
18 testified that they wouldn't allow him to go up with them to
19 retrieve Muhammad, who was in his room at the time. If you
20 listen to the audio you can tell that he followed the
21 police, indicated that Muhammad was probably up in his room
22 and, you know, since it's not a video I can't tell who was
23 in lead, but it appears that Sergeant Wehby at least was up
24 there, one of the detectives, although I don't know if it
25 was Detective Hammond or Detective Molloy, and Doctor Al-

1 Tantawi. And then because Doctor Al-Tantawi was asking
2 where the youngest child, Sidra, was, and I believe one of
3 the detectives indicated that she may have gone down the
4 stairs to the master bedroom, and then the doctor goes
5 looking for Sidra, and Muhammad comes down the stairs with
6 at least Sergeant Wehby and the other detective that was up
7 there.

8 So, the fact that he was restrained from
9 going up the stairs to get his child was totally fabricated
10 by Doctor Al-Tantawi. That isn't what the transcript
11 indicates, it's not what the audio indicates either.

12 Also on his return the doctor exaggerated the
13 amount of time that he was kept from going back into the
14 home. It's true that officers were stationed at the bottom
15 of the driveway because at that point in time it appeared
16 that this was a crime scene and a search warrant was being
17 obtained and they were waiting for the search warrant in
18 order to search the home.

19 So, he was stopped. That was evident by the
20 testimony of the two officers that were positioned at the
21 bottom of the driveway, which was an extremely long
22 driveway, 253 feet or something like that. At most, the
23 officers indicated that it could have been 15 minutes that
24 -- before Doctor Al-Tantawi was allowed to go up. Doctor
25 Al-Tantawi said it was 30 minutes that he was kept down

1 there.

2 He also indicated that, of course, it was
3 only seven minutes or so to get his daughter but it took
4 longer than that for him to go get his daughter and come
5 back. So, when he went up the driveway with the police
6 officers in what was described or testified to as a caravan
7 for officer safety, he was allowed into the house. Sergeant
8 Wehby went to the door to speak with them and that's when
9 Doctor Al-Tantawi says he wants them to stop talking with
10 his son, he wants his son not to say anything else and that
11 he wants an attorney, that his attorney said to do that.
12 And that stopped everything. Not much of anything was going
13 on at the point in time he came back up the driveway and
14 into the house, but for all intents and purposes,
15 questioning ceased at that particular point in time.

16 So that basically, and looking at *People*
17 *versus Barrett*, which defense pointed out here was a case to
18 look at with respect to the issues here, this court doesn't
19 find that the factors laid out in *People versus Barrett* have
20 been met by the defense.

21 The only issue this court would have would be
22 the fact that Muhammad was 16 years of age at the time.

23 Now, what the court has learned during this
24 process through other hearings that the court has had is
25 that Muhammad was going to the International Academy and

1 from with this court understands the International Academy
2 to be, it's a school for extremely bright students, and even
3 during the questioning that this court listened to, it's
4 apparent that Muhammad is a bright young man. So, I don't
5 feel that his age, at least his educ -- based upon his age
6 and what this court feels is a highly intelligent young man,
7 that he didn't understand what was going on. I think he did
8 understand what was going on.

9 Was he afraid not to talk to the police
10 because of his age? I did not get that impression. And I
11 say that because based upon his statements during the
12 questioning he certainly understood how much information to
13 give. It was only when pushed and -- not pushed, pushed is
14 a very strong word, when he was prodded and questioned
15 further that he would expand his story. And as I indicated,
16 when it appeared that the detectives were not believing what
17 he was telling them and he knew that they pretty much
18 suspected that this was not an accident with respect to his
19 mother, that he indicated he didn't want to talk about it
20 anymore, he just didn't want to talk about it. That does
21 not strike this court as someone who, because of his age,
22 was incapable of putting an end to questioning if he wanted
23 to, of knowing that he didn't have to answer the questions.

24 So, based upon the totality of the
25 circumstances in this particular case, even though Muhammad

1 was 16, this court does not find that the defense has proven
2 a basis to suppress the statements that he made to the
3 police, so the defendant's motion to suppress is denied.

4 Go ahead, Mr. Schiano.

5 MR. SCHIANO: Judge, thank you. Based upon
6 the court's ruling we would ask the court for a stay at this
7 point to take this up to the Court of Appeals.

8 THE COURT: The court will grant your
9 request.

10 All right, thank you.

11 MR. SCHIANO: Will submit an order to the
12 court.

13 MR. SKRZYNSKI: Judge, can we just clarify
14 here, the trial date is now December the 3rd, are we staying
15 -- I mean is the court staying this matter past that date?
16 Because I'm getting witnesses. I mean, airline tickets and
17 stuff.

18 THE COURT: It's more than likely that it's
19 not going -- the trial is not going to go on December 3rd.

20 MR. SKRZYNSKI: So the trial --

21 THE COURT: So I will stay the trial, yes.

22 MR. SKRZYNSKI: Okay, and pending a new date?

23 THE COURT: Pending -- yeah, the outcomes
24 from the Court of Appeals.

25 MR. SKRZYNSKI: All right. Very well, your

1 Honor. Thank you.

2 MR. KEAST: Judge, will the court prepare an
3 order or shall the parties?

4 THE COURT: Done.

5 MR. KEAST: Oh, thank you.

6 THE CLERK: I can give you a copy.

7 MR. SKRZYNSKI: Thank you. Okay, thanks.

8 MR. DASS: And I'm going to submit an order
9 to the state tomorrow. I'm going to be back tomorrow.

10 THE COURT: Yeah, you will have to do the
11 order of stay, yes.

12 MR. DASS: I'll bring it back tomorrow.

13 THE CLERK: Do you want a blank order?

14 MR DASS: I can do a blank order if that's
15 fine?

16 THE COURT: Yeah, that's fine.

17 (At 9:56:55 a.m., hearing concluded)

18

CERTIFICATION

This is to certify that the attached electronically recorded proceeding, consisting of twenty (20) pages, before the 6th Judicial Circuit Court, Oakland County, Michigan:

PEOPLE OF THE STATE OF MICHIGAN

v

MUHAMMAD AL-TANTAWI

_____ /

Location: Pontiac, Michigan

Date: Tuesday, November 20, 2018

was held as herein appeared and that this is testimony from the original transcript of the electronic recording thereof, to the best of my ability.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernible on the electronic recording of the proceedings.

\s\ Sally Fritz

Sally Fritz, CER #7594
Certified Electronic Recorder

Dated: November 26, 2018

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